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# THE SOLICITORS' JOURNAL.

*LONDON, JULY* 4, 1857.

## DELAYS IN CHANCERY.

It is now nearly five years since the Court of Chancery was reformed. In some respects, the measures introduced on the suggestions of the Commission have been productive of immense advantage to the suitors of the Court, however harshly they may have interfered with the profits of the profession. The great source of delay and expense in equity proceedings was the complicated and dilatory procedure of the Masters' offices, and it was thought that this would have been entirely removed by transferring the judicial part of the Masters' duties to the judges themselves, and committing the administrative work to chief clerks, who were intended to act under the immediate eye of the Vice-Chancellors. The abolition of the old complex method of taking depositions, and the opportunities afforded for receiving the evidence of witnesses *vivâ voce*, were designed at once to improve the quality, and to diminish the cost, of testimony in Chancery suits. A multitude of formal and unnecessary proceedings were abolished, and the profits of solicitors were so severely cut down by the improvements in the practice, that there is no court in which so much *bonâ fide* work is done for so small a remuneration as in that which was once regarded as the practitioner's gold mine. We are very far from complaining that needless occasions of expense to the suitor, and profit to his advisers, have been swept away; and we have always thought, and still think, that, with a fair scale of fees for services actually performed, solicitors would be compensated by the increase in the amount of business, which must result from the effectual improvement in the procedure of the Court. As yet these expectations have not been realised, and both the suitors and the profession have a right to complain that they have not obtained the full benefit of the reforms to which the Court has been subjected.

Several circumstances have gone far to neutralise the advantages of the Acts of 1852. It has been found impossible, with the present staff of judges, to carry out in its integrity the theory on which the practice in the judges' chambers was based. The ablest Vice-Chancellor cannot be in two places at once; and the scraps of time which can be spared from court for the superintendence of the chamber practice are altogether insufficient. The chief clerks are gradually becoming just what the Masters used to be. The same delay and uncertainty, though considerably mitigated in amount, still arise, from the same causes which, in old times, exposed the Court of Chancery to a measure of odium from which it has not yet entirely freed itself. The evil is certain to increase as the business of the Court grows; and there is little chance of the highest tribunal of the country becoming, as it ought to be, the best regulated and the least dilatory, until the Bench is sufficiently strengthened to enable it really to perform the additional duties cast upon it by the recent statutes. The requisite alterations would involve no inconvenience to either branch of the profession, and the objection to any increase of the charges for judicial salaries is plainly untenable, when it is considered, that, for every £1,000 so expended, ten times the amount would be saved to the suitors who resort to the Court. Probably it would be found that a judge might advantageously devote half his time to the consideration of matters which, from sheer press of business, he is now reluctantly compelled to delegate to his chief clerk—an officer who was never intended to exercise judicial functions in any but the simplest cases. Adjourned summonses and motions to vary certificates would be greatly diminished in number, and a considerable saving of time and expense effected, if all matters involving any difficulty, whether of fact or law, could be regularly argued and decided in the first instance before the judge personally in Chambers. The chief clerks would then be so far relieved as to be able to perform, with the greatest expedition, the less intricate part of the judicial and nearly the whole of the purely administrative work, which, under such an arrangement, would be left in their hands.

To effect this reform—which is, in fact, the necessary corollary of the Statutes of 1852—it would be desirable to add another judge to the courts of the Master of the Rolls, and each of the Vice-Chancellors, so that each court would always have one judge sitting on the Bench, and another occupied in chamber business. This arrangement would not, in the smallest degree, affect the business of the leaders practising in the several courts, each of whom would then be attached to the courts of two Vice-Chancellors, sitting on alternate days, instead of one, as at present. Of course it would not be desirable that the same cause should come sometimes before one judge and sometimes before another, but each should have a distinct paper, the only connection between them being, that they would sit alternately on the same bench, and be attended by the same bar. We have not heard the shadow of a reason suggested against this reform, which is imperatively required for the sake not only of the profession, but of the public at large.

Concurrently with such a modification of the practice in Chambers, it is most important that the subordinate offices of the court should be made much more efficient and rapid in their action than they are under the existing regulations. It is monstrous that the payment of debts and legacies should be delayed, as is often the case, for many months, because the taxing-masters have not time to settle the costs of the various parties, or that the simple process of drawing up a decree, or of effecting a sale or transfer at the Accountant-General's Office, should be obstructed by the rigid adherence to vexatious and unnecessary regulations. We do not desire that any functionary should be overworked or deprived of his fair share of relaxation; but it is quite beyond endurance that the Accountant-General's system of transacting business should be as dilatory now as in the distant time when it was a four days' post to Manchester. What would be thought if the Bank of England insisted on the same formalities, and interposed the same delays, as have been practised from a venerable antiquity by the Bank of the Court of Chancery?

The adoption of the improvements to which we have referred would facilitate another change, which must sooner or later be made. The present mode of taking oral evidence is most unsatisfactory. The delay is excessive, and it is almost always impossible to obtain appointments with the examiners for consecutive days, so as to bring to an early close the evidence in a heavy case. Besides this, the narrative of the examiner does not and cannot convey to the Court the true effect of the testimony given. A shuffling witness may prevaricate as he pleases, and his story is sure to come out at last in a more consistent and plausible shape, and to com-

mand much more consideration from the Court than it would do if all the fencings and contradictions had been heard by the judge who decides the cause. But if the number of Vice-Chancellors were made adequate to the requirements of business, they might, without difficulty, and with great advantage to the interests of justice, take the depositions of witnesses themselves, instead of delegating this important function to independent officers. If these modifications of the present practice were introduced, we should have a Court capable of giving effectual and speedy relief at far less cost than is now incurred. Even popular writers might then cease from their perpetual exaggerations of the defects of the Chancellor's Court, and we should no longer hear the Attorney-General amusing the House of Commons by sneering at the redress afforded by the Court in which he practises as a mere mockery of relief. We are glad to learn that the Incorporated Law Society has been engaged in discussing the points which we have noticed, and that its influence is likely to be used in pressing the necessary reforms on the attention of the Chancellor. The experience of the last five years has settled down into an almost unanimous conviction on the part of all Chancery practitioners in favour of some such steps as we have been advocating, and we trust that Lord Cranworth will not be slow to put the finishing stroke to the improvement of his Court, and to make it in all respects worthy of its high pretensions.

## LADY PLAINTIFFS.

Every morning brings from Edinburgh an account of the trial of Miss Madeleine Smith, for the murder of her lover. Whether guilty or not, that young lady is prudent enough to neglect no arts by which female charms can appeal to the susceptibilities of a jury. The reporter has always some enthusiastic remarks to bestow on her dress and demeanour. We learn one day that she is becomingly attired in silks and satins, and even that she has a bonnet of the newest fashion. On another day we read of her "airy bearing," and of the sweet smile of confidence with which she fronts inquiry, except when her love letters are read, and then she hangs down her head in becoming bashfulness. Miss Smith is on trial for her life, and it would, therefore, be wise in her to have recourse to every means of safety, however slight might be the probability of its availing her. But she has some reason to suppose that her being a lady, and a young and pretty lady, may be of service to her. There is a fashion just now of petting ladies in courts of justice. The administrators of the law have taken it into their heads to be chivalric; and if they can do a lady a good turn, they make haste to do it. This modern chivalry, like its ancient prototype, certainly gratifies its inclinations at the expense of some poor unthought-of wretches. If a lady plaintiff is favoured, a gentleman defendant is prejudiced: but what is a stupid, common-place heir-at-law, or trustee, or attorney, in comparison with an interesting female?

Of this chivalry of juries a striking instance was afforded in a case which we reported last week. In *Carr* v. *Chapple* there was a lady who had suffered the misfortune of losing a sum of money, settled on her at her marriage. She had taken this money out of the funds, and bought some houses with it, which were mere shells, and almost entirely valueless. The vendor sold them to her at a profit to himself of 500 per cent.; and when she found that tenants were not easily to be induced to live in the mere carcases of a row of houses, and that she got no rents, she wished to be off her bargain, and to recover what she had paid to the speculator. She brought an action against him, and the cause was set down for trial. Before it came on, the defendant proposed a compromise, offering to pay two-thirds of what she asked. The lady's attorney consulted the counsel retained on her behalf, and, acting under their advice, and having, as a witness swore, obtained the consent of the lady and her husband, and of her trustees, he accepted the offer. The defendant did not, however, pay what he had agreed, and the lady could not get her money. There was still one chance left. She might get it out of her own attorney. She accordingly brought an action against him for negligence in having entered into an imprudent compromise. It was not very obvious how he was to blame. Two-thirds of the sum demanded is something to get, in order to avoid the uncertainties of a trial; he had acted under the advice of counsel; he had even, as it was sworn, obtained the consent of the persons interested. But then, on the other hand, the plaintiff was a lady, and the defendant was an attorney. Juries love ladies and hate attorneys. It seemed so hard that a poor trusting lady should lose the little sum secured to make her comfortable in marriage. And what could be simpler than to compel one of those horrible attorneys to make good her loss. The jury felt as barons felt in the middle ages who used to rob a Jew, in order to endow a monastery. It was not just, but it was prompted by a noble feeling. Chivalry triumphed over the niceties of legal rights; and the jury gave a verdict for the plaintiff, with £200 damages. Henceforth, no Englishwoman in distress need fear to set her cap at a jury of her countrymen.

The degree in which juries suffer themselves to be led away by their feelings is certainly a great drawback to the advantages we may be supposed to derive from their intervention in civil cases. In criminal cases we must candidly say, that juries seldom suffer themselves to be swayed by anything but a wish to do justice. When death or the sufferings of a long imprisonment are to be the result of their verdict, they try to fix their whole attention on the evidence submitted to them. But in civil cases, the verdict does but give a little more money to the one side, and a little less to the other; and jurors permit themselves, therefore, to indulge in the luxury of prejudices and prepossessions. Sometimes, perhaps, they are influenced by motives even less commendable than a tenderness for "lady plaintiffs." The case of *Elkins* v. *Murphy*, tried this week before Lord Campbell, suggests that hunger may occasionally play its part in affecting their decision. The jury could not agree, and, after a long and ineffectual waiting, they returned into court petitioning to be discharged, as they were getting faint from want of food. Lord Campbell could only refer them to the parties to the action; and the defendant was willing they should be discharged, but the plaintiff was obstinate, and the most that could be extorted from him was, that they might have a little refreshment, but no stimulants or tobacco. Towards midnight they arrived at a conclusion, and it was favourable to the defendant—favourable, that is, to the man that would have let them go to their homes at a decent hour—adverse to the man who insisted on their staying, and who cut them off from their grog and their pipe. It is possible that they were actuated by considerations of the purest justice; but it must be acknowledged they were under a strong temptation to satisfy their vengeance and display their gratitude. The time is coming, or is perhaps come, when, if juries are to be retained at all in civil cases, they must be treated in a different way. They require at once to be better treated and worse; they must be made physically comfortable, and at the same time restrained when they are inclined to gratify their sentimentalism. If they are fit to decide at all, they must be allowed to decide conveniently and leisurely, not be tortured into unanimity by the pangs of starvation. On the other hand, the sooner chivalry retires from the jury-box into historical novels the better. In a romance it is all very well that the villain

should be crushed at the entreaty of a heroine with airy manners and a lace bonnet; but in real life it is too bad that an attorney, who does his best for a client, should be mulcted at the demand of a "lady plaintiff."

## Legal News.

The past week has been unusually prolific in debates of professional interest in the House of Commons. The Testamentary Jurisdiction Bill has been very fully discussed upon the second reading, and a general concurrence of opinion appeared in favour of the measure, subject to attempts at modification in committee. The Attorney-General and Mr. Henley both take a hopeful view of the proctorial future, arguing that the loss by sending estates under £1500 to the county courts will be balanced by the gain to metropolitan practitioners from the abolition of provincial jurisdictions. Whatever estimate may be formed of the effect upon proctorial emoluments of thus devolving business upon the county courts, it is not easy to see how any case can be made for compensation. There can be no doubt that there is great need of a cheap local tribunal, which shall authenticate wills, and grant administration of small properties. This demand is quite as well founded as that which led to the original establishment of the county courts. By that measure many attornies saw their business seriously diminished, but no one dreamed that compensation was due to them. Now it would be difficult to show that the case of the proctors at this moment stands on a different footing, so far as regards the county courts, from that of the attornies some years ago.

It was assumed by some speakers in the debate on Friday week that the proctorial monopoly, as now limited and adjusted, is to continue for all time. We are aware that the Lord Chancellor, the Attorney General, and other speakers have lately urged the necessity that exists for maintaining a select body of practitioners, well known to and largely trusted by the court, to assure the due compliance with all statutory and other rules as to granting probate. But the force of these arguments is a good deal weakened by the consideration that some of those who now adopt them were very lately of an opposite opinion. We think, too, that the confidence ordinarily reposed in a solicitor is as great as that subsisting between the judge and the proctors of the Prerogative Court, and we would venture to hope that the average faculties of the profession might be found adequate to comprehend the mystery of proving a will in common form. We do not, in fact, believe that anybody is imposed upon by these arguments; but it is exceedingly difficult to support a compromise, such as is attempted by this Bill, by any reasoning that will stand a close examination. But, admitting that such an arrangement as now proposed is the best practicable at the present moment, we do not by any means see the necessity of proclaiming its absolute finality. Nor, indeed, do the authors of the measure appear to have themselves contemplated any such restraint upon the discretion of posterity. The Bill, when before the House of Lords, provided that "the admission of persons to be proctors of the court should be in the discretion of the judge;" from which enactment it would by no means follow that the present strict limitations upon admission must always be maintained inviolate. On the whole, it would appear that the measure now before Parliament goes as far as is convenient at the present day; and, after the lapse of some years, it may be found both just and expedient to complete the work now left confessedly unfinished.

The Fraudulent Trustees Bill has been subjected to a discussion in committee which deserves attention, as illustrating the probable operation of important clauses that are likely to become law.

We have also had, during the week, a debate provoked by Mr. Locke King, upon the services, past and prospective, of the Statute Law Commission. Having recently expressed an opinion that a good deal of talk and no inconsiderable amount of public money has been expended by this Board with a very disproportionate result, we could have wished to present our readers with an abstract of Sir Fitzroy Kelly's apology for himself and brother Commissioners. The eloquent and experienced advocate, with an engaging candour strongly indicative of a bad case, begins his full and unreserved statement from the time of Queen Elizabeth. Of course, we understand at once the policy of plunging the House of Commons into an investigation of the shortcomings of Lord Keeper Bacon in the matter of the consolidation of the Statute Law. "This great work, which for 250 years had baffled and defeated the efforts of the most eminent jurists and statesmen which this country has produced, is now, upon one single uniform and comprehensive plan *actually begun!*" Having made this astounding declaration, Sir Fitzroy Kelly skilfully led away the House to contemplate the Consolidated Statute book as "a short, comprehensive, and intelligible work" in four volumes or thereabouts, intending, no doubt, to convey to his hearers the impression that the much-abused Commission was actively contributing towards this result. We can only say that we should be very glad to receive any reliable assurance that the labours of the Commission would bear such fruit as this, even at a distant day. But we cannot pretend that our faith in ambitious programmes, and in commissions composed of men too busy or too great to work on them, is in any degree strengthened by the ingenious oratory of Sir Fitzroy Kelly.

THE UNITED LAW CLERKS' SOCIETY.—The 25th anniversary festival of this society was held on Friday evening, at the Freemasons' Tavern, Great Queen-street. The Right Hon. Sir A. J. E. Cockburn, Lord Chief Justice of the Common Pleas, presided, and was supported by Mr. Roundell Palmer, Q.C., Mr. J. Locke, Q.C., M.P., Mr. Montagu Smith, Q.C., Messrs. G. Calthorp, J. Stuart, J. Malcom, H. Holl, T. Southgate, T. Bayes, J. Lee, W. Purvis ,W. Nettleship, and many other members of the legal profession. The members of the society present were not less in number than 360, and the galleries were graced by the presence of a great many ladies. After partaking of a dinner provided in a very superior style by Messrs. Elkington and Shrewsbury, the chairman proposed the usual loyal toasts, which were drunk with enthusiasm. The annual report of the society was then read by the secretary, Mr. H. G. Rogers. The society was established in 1832, to enable the law clerks of the metropolis to make some provision for themselves and families in sickness, old age, or other infirmity, and on death. A mutual association was afterwards formed to afford assistance in temporary distress. All law clerks, whether members or not, were allowed to participate in the benefit of this fund. The two funds were kept distinct. Among the benefits are a weekly allowance of £1 in sickness; pensions payable weekly, from 10*s.* to 14*s.*; a payment on a member's death of £50; and on the death of a member's wife a payment of £25. Last year 18 persons received relief; this year 29 have been relieved, and the amount paid to these 29 members was 247*l.* 14*s.* The total amount received by members on account of illness has been 3,735*l.* 5*s.* 10*d.* There are seven members in receipt of the weekly allowance. One who had been in receipt of it had since died. He contributed to the society's funds 40*l.* 6*s.*, in return for which was received, on the death of his wife, £25; in illness, 81*l.* 18*s.*; on superannuation, 120*l.* 7*s.*; in all 267*l.* 11*s.*; and on his death, a further sum of £50 was paid to his family. In the preceding year the number of deaths of members was four; in the year just past nine. To the family of each £50 had been paid, making a total payment on account of death alone of 5,632*l.* 14*s.* 6*d.* The contributions have amounted this year to 1,463*l.* 8*s.*, besides a donation of 30 guineas from the Hon. Society of the Middle Temple. On the 7th of April, 1856, the investments amounted to 19,399*l.* 8*s.* 1*d.*, since which 2,598*l.* 11*s.* had been received. The investments on the 20th May, 1856, amounted to 19,728*l.* 8*s.* 5*d.* On the 20th of May, 1857, they were 21,032*l.* 16*s.* 11*d.* The relief afforded out of the casual fund consisted

of small gifts not exceeding £5, not restricted to members, but granted to all law clerks and their widows, and to the children of deceased members; but the applicants must be deserving persons, suffering from temporary distress not the result of their own misconduct. The Chairman, in proposing prosperity to the society, expressed his great satisfaction at the report which had just been read. The object of the society was to enable a laborious and meritorious class of men to make provision against the hour of infirmity, sickness, and need for themselves and their families—a class of men but for whom the laborious administration of the law—nay, he might add, the business of society, could hardly go on, and yet men whom, in spite of their exertions, the casualities and chances of life often placed in a position of necessity, which called for the assistance of such a society as that which they were then met to support. The "Health of the Lord Chancellor and the other patrons of the Society" was then proposed by Mr. Roundell Palmer; after which Mr. M. Smith proposed the "Health of the Chairman" in terms of high eulogy, which were enthusiastically cheered by the company. The Lord Chief Justice acknowledged the compliment in terms of great warmth and earnestness, declaring that he knew of no assembly of men the tribute of whose regard he would more gladly accept or more deeply value.—*Times.*

ELKINS *v.* MURPHY.—A HUNGRY JURY.—In this action, which was against a house agent, to recover damages for misrepresenting that he had authority to sell a house, the jury, who were not able to agree in the box upon their verdict, retired to their room to deliberate, and remained there from half-past one o'clock until about five, when Lord *Campbell*, being about to retire from the bench, directed them to be brought into court.—When they had taken their seats in the box, Lord *Campbell* asked them if they had agreed to their verdict.—The Foreman said they had not, and there was no possible chance that they would agree. He had expended all his strength in arguing the matter over, and endeavouring to make the jury unanimous, but all in vain, and he was now completely exhausted, having had nothing to eat since the previous evening. He lived at Hampstead, and in order to be early in attendance at the court had left that morning without his breakfast. He therefore hoped his Lordship would discharge them.—Lord *Campbell* said he had no power to do so. They must be locked up again, and he had no doubt if they reasoned over the matter again they would be able to agree.—The Foreman: It is quite impossible, my lord. Two jurymen differ from all the rest, and I have made myself quite ill by expostulating with them, but all in vain; and I am really physically incapable of giving any more attention to the case. We are not permitted to have the slightest refreshment, and my health will be much endangered if I am confined any longer.—Another Juryman: My lord, I feel very ill, having suffered all night from diarrhœa.—Lord *Campbell:* I am very sorry for your sufferings, but I cannot assist you. I would alter the law if I could, but I am bound to administer it as I find it. I must therefore ask you to retire again.—A third Juror: I am sure, my lord, we shall never be unanimous. For myself, I feel I cannot give a verdict against my conscience and my oath.—The refractory Jurors: Nor can we. (Laughter).—Lord *Campbell:* Of course, gentlemen, you would not trifle with your oaths.—The Foreman, resuming his seat in an apparently exhausted state, here exclaimed: My lord, I really must refuse to be shut up again in my present condition.—A Juror: Will your lordship allow us to have something to eat, as we are all very hungry, and then we will see what we can do? (Laughter).—Lord *Campbell* shook his head, and said that if there was no objection by the parties on both sides, he would discharge the jury.—Mr. *H. Hill*, the counsel for the defendant, said he had no objection to that course.—The plaintiff, who is an attorney, said that under the circumstances he could not consent to the jury being discharged, but he had no objection to their being supplied with refreshments.—Lord *Campbell:* I suppose there can be no objection to their having moderate refreshments.—Mr. H. *Hill:* As far as I am concerned, not the slightest.—One of the officers of the court here informed his lordship that when he went to their room, he found several of them smoking (Laughter).—The jury were then again locked up, but on the understanding that they were to have moderate refreshments, but no smoking or stimulants. About 11 o'clock they intimated to the officer that they had agreed to their verdict. They were accordingly taken down to the court, and the foreman stated that they found a verdict for the defendant. It was understood that the ten jurors in favour of the plaintiff yielded to the two in favour of the defendant.—*Daily News.*

ETIQUETTE OF THE BAR.—COURT OF COMMON PLEAS—*June* 26.—It was mentioned in our Legal News of June 20, that Mr. Lush, of the Home Circuit, was created a Queen's Counsel, but it was not until the 23rd ult. that the learned gentleman appeared in the silk gown. This morning he came into this court to argue a case, and took his seat within the bar, although he had not been formally called within it. Mr. Justice *Cresswell* (addressing Mr. *M. Chambers*, the counsel on the other side) said he did not know that he could recognise the countenance of the gentleman beside him (Mr. *Lush*).—Mr. *Lush* said he had mentioned his difficulty yesterday to the Lord Chief Justice, who said he might take his seat provisionally within the bar.—Mr. Justice *Cresswell* inquired whether his Lordship was then sitting in banco?—Mr. *Lush.* He was.—Mr. Justice *Cresswell.* Then, under the circumstances, I will follow the example of the Chief Justice.—Mr. Justice *Willes*, however, remarked that he had not yet had the opportunity of inspecting the learned gentleman's patent.—Mr. *Lush* promised that his Lordship should see it in the course of the day.

JUNIOR EQUITY BAR.—We understand that considerable dissatisfaction exists among the junior equity bar on account of the new batch of Queen's Counsel being confined exclusively to the common law bar.—*Daily News.*

IN RE HUGH INNES CAMERON.—Hugh Innes Cameron, the manager of the Royal British Bank, also the proprietor of a sheepwalk in Scotland, was adjudicated a bankrupt as a dealer in sheep, and he surrendered to the bankruptcy on Monday last.

SOUTHWARK POLICE COURT.—Mr. Hugh Thomas Cameron, a barrister-at-law, and stated to be a magistrate in Ross-shire, and son of Mr. Cameron, the manager of the Royal British Bank, was charged before Mr. Combe with conveying half-a-pint of brandy into the Queen's Prison, contrary to the rules and regulations.—Mr. Combe imposed a penalty of £3, and said he had no power to mitigate it. Mr. Cameron expressed his regret for having unconsciously infringed the law, and immediately paid the fine.—The magistrate then ordered him to be discharged.

THE CONSTITUENCIES OF GREAT BRITAIN.—A return recently issued shows that the grand total number of voters registered in the counties and boroughs of England, Wales, and Scotland, amounts to 1,045,506 including 505,988 in the counties of England and Wales, 439,046 in the boroughs of England and Wales, 50,403 in the Scotch counties, and 50,069 in the Scotch boroughs. Taking the total population of Great Britain (exclusive of Ireland) at some 20,000,000 of souls, it follows that the proportion of electors to the population is about 1 in 20, or just 5 per cent.—*Times.*

SITTINGS OF THE LORDS JUSTICES.—The Lords Justices will be engaged at the Judicial Committee of the Privy Council on Saturday next, and therefore will not sit at Lincoln's-inn on that day. The Lords Justices will sit at Lincoln's-inn next week, and up to the 18th instant inclusive, after which they will probably sit for a few days at the Judicial Committee of the Privy Council.

SITTINGS AT NISI PRIUS IN LONDON AFTER TRINITY TERM.—The number of causes entered for trial at these Sittings amounts, in the QUEEN'S BENCH, to 130; of these 34 are remanets from the last Sittings, and 50 are marked for special juries.—In the COMMON PLEAS, there are 95 causes in the list, of which 12 are remanets, and 31 special juries. In the EXCHEQUER, the list contains 109 causes; of these 16 are remanets, and 32 are marked for special juries.

## Recent Decisions in Chancery.

BANKRUPT—ORDER AND DISPOSITION—STOP-ORDER.

*Day* v. *Day*, 5 W. R. 701.

This case is the complement of *Bartlett* v. *Bartlett*, which we noticed *ante*, p. 458. That decision, it will be remembered, laid it down that a reversionary fund in court is as capable of being in the order and disposition of a bankrupt as any species of visible property; and that, if an assignee from the bankrupt neglect to obtain a stop-order upon it, the fund must be considered as remaining in the bankrupt's order and disposition with the consent of the true owner. In *Day* v. *Day*, L. J. *Knight Bruce*, with the concurrence of L. J. *Turner*, expressly declared that he adhered to the doctrine of *Bartlett* v. *Bartlett*, but that the circumstances of the present case took it out of the scope of the rule established by that decision. The facts, as they

appeared on the appeal (on which additional evidence was adduced which was not before the Court below), were these:—On the 6th of January, 1854, Tucker, the solicitor of the plaintiff, borrowed a sum of money from the United Kingdom Mutual Annuity Society, and ultimately, on the 8th June, 1854, he agreed to assign, as a security for the advance, the costs due to him in the suit. At that time the fund in court was much less than the estimated costs of Tucker, and no order had then been made for payment or taxation of the costs. The Society immediately gave notice to the plaintiff's agent, and to the defendants (the executors) and their solicitors. In August following, the cause was heard on further directions, and an order was made for taxation of Tucker's costs, and for payment of them and prior charges out of a sum in court, and a further sum of £533 which was ordered to be paid in by one of the defendants. The charges prior to Tucker's costs exhausted the whole fund in court at the time of the order, and the remaining fund was not brought in until January, 1855, about three months after Tucker had become bankrupt. The question was, whether this fund, which was sufficient to provide for part of Tucker's costs, passed to his assignees, as being in his order and disposition, or whether the Society was entitled to it under Tucker's agreement to assign it. Upon these facts, L. J. *Knight Bruce* said, that, up to the time of the bankruptcy, the Society had, by giving notices, done all that could have been done; for there was no fund in court at that time which was charged with the costs, or against which a stop-order could have been obtained. L. J. *Turner* concurred in the same view, observing that the fund was not in the order and disposition of the bankrupt with the consent of the true owner, as in fact it did not exist at the time of the bankruptcy, and added, that there was no negligence on the part of the mortgagees.

### RIGHT OF THE CROWN TO AN ALIEN'S EQUITABLE ESTATE IN LAND.

*Barrow* v. *Wadkin*, 5 W. R. 695.

It is remarkable that it should not have been settled before 1857, whether the Crown is entitled to the benefit of a trust of lands declared in favour of an alien. The doctrine was expressly asserted by Lord *Hale*, in *Sir George Sands' Case* (Hard. 495), and appears to have been tacitly assumed in a great multitude of cases, the only old authority the other way being a passage in C. B. Gilbert's work on Uses, at page 18. At last, however, a doubt was suggested by the late Vice-Chancellor of England in *Burney* v. *Macdonald* (15 Sim. 6), where he intimated that it would be idle to allow the alien himself to insist on the validity of the trust, and that there would be no injustice in refusing to let him have property which he could not hold; and then added, that, if the alien could not enforce the trust, he did not very well see how the Crown, which must claim through him, could have any right to the property. The case, however, was decided on other grounds. The first case in which the point appears to have been expressly decided, is the recent case of *Rittson* v. *Stordy*, before V. C. *Stuart*, reported 3 W. R. 627. There the judgment was, that the alien could not entertain a suit respecting lands; that it would be an abuse of equitable jurisdiction to enforce the trust in order that the Crown might seize; and that there was, consequently, a resulting trust in favour of the heir. That case was brought by appeal before the Lords Justices (4 W. R. 438); but it was ultimately compromised, the Court, in making a decree by consent, being careful to introduce words to guard against any implied affirmance of the opinion expressed by the Vice-Chancellor. In the judgment in *Barrow* v. *Wadkin*, the Master of the Rolls entered into an elaborate review of all the authorities bearing directly or indirectly on the question, and came to the conclusion, that, both on principle and authority, a devise of real estate to trustees for an alien is not a void devise; and that it is a trust of which the Crown may enforce the execution, and obtain the benefit. That such a devise would not be void, his Honour held to be clear, as even a devise of a legal fee would not be void; for the alien could take, although he would be incapable of holding, the lands. There was, besides, neither statute nor common law authority for saying that a devise in trust for an alien was *ipso facto* void. This being so, the trust must be executed; for, even if the alien could not enforce the trust, the Crown would be entitled to do so, there being no reason why the heir should, in such a case, be preferred to the Crown; nor was there any principle on which the right could be refused, unless it were said that the Crown was not entitled to enforce any trust at all—a position which his Honour considered to be contrary to the general principles of the law, and opposed to many decisions. The Crown, therefore, by its prerogative, stood in the place of the alien devisee in trust, and had the same rights in such a case as any assignee by purchase from an equitable devisee in trust who was a natural born subject. A declaration was accordingly made, that the Crown was entitled to the beneficial interest devised to the alien.

### TRUSTEE AND CESTUI QUE TRUST.

*King* v. *King*, 5 W. R. 699.

The only question in this suit was, whether trustees were justified in refusing to transfer certain mortgage securities to the parties beneficially entitled, without the direction of the Court. These mortgage securities were the subject-matter of a settlement made on the marriage of one of the plaintiffs, who was entitled thereunder to a life estate in the same, with a power of appointment (on the death of his wife, which had happened) to his child or children by that marriage. There was only one child—viz. the other plaintiff—to whom, within two months of his coming of age, the father appointed the mortgages, and thereupon both father and son joined in requesting the trustees to transfer them. The trustees, having taken the advice of counsel on the matter, required that the son should be represented by a separate solicitor; that they (the trustees) should be satisfied that the appointment was the result of no previous bargain between father and son; and that both should join in a proper release—all of which requisitions the plaintiffs consented to comply with. They retained an independent solicitor to act for the son, and each made a declaration that the appointment was not the result of any previous agreement. The defendants, however, refused to transfer, on the ground that the son had but recently come of age; and that he was under the influence and control of his father, who had been engaged in various speculations; all which they submitted by their answer, and also, that, under the circumstances, the effect of a transfer would have been to place the trust property altogether at the disposal of the father. There was no doubt that the plaintiffs were absolutely entitled, and that a court of equity would make a decree that the trustees should make the transfer prayed. The only question was, whether the conduct of the trustees in compelling the plaintiffs to resort to the court was vexatious. *Stuart*, V. C., held that it was not, being of opinion that the trustees properly regarded with jealousy a transaction for which a court of equity would entertain a similar feeling. Therefore, while his Honour decreed according to the prayer of the bill in everything excepting costs, he ordered that the costs should be borne by the plaintiffs. This decision, following that of the full Court of Appeal in *Re Woodburn's Will* (*ante*, 536), bears out the remarks which we made on that case, as to the probable effect which it would have in inducing trustees to prefer, in future, to resort to a suit where they are not disposed to accommodate themselves to the wishes of their *cestuis que trust*, rather than to proceedings under the Trustee Relief Act. In *King* v. *King*, six months having elapsed since the son had attained his majority, he made the declaration required by the trustees, who acted on the advice of their own counsel; both *cestuis que trust*, father and son, had complied with the other requisitions as far as they could, and were ready and willing to comply with all, when called upon to do so; it was not pretended that there was any doubt as to their right to the transfer asked; the case was one in which the Court did not hesitate to order it to be made; and yet the trustees were not only saved from the payment of costs, but received their costs. According to the decision in *Re Woodburn's Will*, it is not very certain that trustees would have been so fortunate in an analogous case under the Trustee Relief Act.

### INJUNCTION AT SUIT OF ALIEN.

*The Collins Company* v. *Cohen*, 5 W. R. 676.

It was argued in this case, upon demurrer, that an alien could not assert a right in this country to a private trade mark, there being no evidence that the law of his own country afforded any protection to trade marks. *Wood*, V. C., overruled the demurrer, having no doubt that every subject of every country, not being an alien enemy, was entitled to have relief against a fraudulent injury to his property, and was entitled to have the injury stopped at the fountain-head, which could only be, in such a case as the present, by injunction. Apart from all question of copyright, his Honour considered he had the jurisdiction upon the ground of fraud.

## Cases at Common Law specially Interesting to Attorneys.

PRINCIPAL AND AGENT—DELIVERY OF GOODS.

*Summers* v. *Solomon*, 5 W. R., Q. B., 660.

This was an action to recover from the defendant the price of certain goods which had been delivered to A. S., who had (as it was alleged) authority from the defendant to purchase and receive such goods for him. The defendant resided in London, but had a shop in the country, managed by A. S. The plaintiff had often supplied goods for the defendant's shop on the orders of A. S.; on which occasions the course of dealing had been for him to take the orders from the shop, and to send the goods there. The goods which gave rise to the present action, however, had been ordered by A. S. in London, as for the defendant, and had been carried away by him, and converted to his own use. He was afterwards tried and convicted of obtaining these goods under false pretences; and the present action was brought to recover their value from the defendant. It was held by the Court that there was reasonable evidence to support a verdict for the plaintiff; for that, under the circumstances, he was very well justified in supposing A. S. to be the *general agent* of the defendant to conduct his country shop. The question was not so much what was the exact relation between the defendant and A. S., but whether A. S. had not so conducted himself as to make it reasonable for the plaintiff to suppose that he acted in that capacity, and had a general authority from the defendant to order goods. It was added by *Erle*, J., that, in one case to be found in the books, a *single* instance of recognised agency of the kind had been held sufficient to raise an inference of authority to purchase goods on credit.

The case alluded to by Mr. Justice *Erle* was that of *Hazard* v. *Treadwell* (1 Str. 506), in which Sir John *Pratt*, C. J., ruled, that, where a master has once paid for goods delivered to his servant for him on credit, the tradesman may trust him on a second occasion on the representation of the same servant, and charge the master with the value of the goods. It may be remarked, that, about fifty years later than the decision of that case, an attempt was made to make a master liable for goods ordered by his servant, which, if it had been successful, would have been a still harder one on the master than the one now under notice. This was *Maunder* v. *Conyers* (2 Stark. 281), in which some brandy had been ordered by the butler of the defendant in the name of his master, and had been delivered accordingly, but had been consumed by the butler and the cook, without the defendant being privy either to the order, delivery, or consumption. Here, however, Lord *Ellenborough* said, "If the defendant had been in the *habit* of paying for goods ordered by his butler, he would be bound; but we must give up housekeeping if such evidence as this were sufficient to bind a master." It follows, from the cases above instanced, and from others on the subject, that, in order to support an action against the master for goods delivered to his servant for him, the plaintiff must prove either an express authority, or some circumstances from which authority might fairly have been presumed at the time the goods were parted with. It may also be laid down, that, if the master has been in the habit of paying for goods ordered by his servant, he cannot discharge himself from future liability by giving the servant ready money to pay for them, unless he also gives the tradesman notice. But if, on the other hand, he has never authorised or ratified purchases on credit, his having supplied his servant with ready money for the purpose of payment will prevent his being chargeable for goods ordered by such servant on his credit. (See the following *Nisi Prius* decisions of Lord *Ellenborough*:—*Pearce* v. *Rogers*, 3 Esp. 214; *Hiscox* v. *Greenwood*, 4 Esp. 174; *Rusby* v. *Scarlett*, 5 Esp. 76).

RULE FOR A CRIMINAL INFORMATION—PERSONAL SERVICE DISPENSED WITH.

*Regina* v. *Tempest*, 5 W. R., Q. B., 661.

This case should be added to those instanced (*supra*, p. 537) as exceptions to the practice requiring personal service of a rule. A rule *nisi* had been obtained for a criminal information against Lord E. V. Tempest, against which no cause was shown; and it was made absolute on an affidavit stating the belief of the deponent that the defendant was in this country living with his mother; and that a copy of the rule had been read and delivered to a servant at her house, who, on being asked if he would give it to Lord E. V. Tempest, replied—"I can't give it to him till he comes in." Lord *Campbell* said that there could be no doubt the rule had come to the knowledge of the defendant; and that, if he had wished, he might have appeared to show cause against it.

KINGSFORD *v.* MERRY—NO TITLE ACQUIRED UNDER POSSESSION OBTAINED BY FRAUD.

*Higgins* v. *Burton*, 5 W. R., Exch., 683.

In this case, that of *Kingsford* v. *Merry* again came under discussion; and the Barons of the Exchequer expressed their vexation that the alteration of the facts, as stated in the special case for the court of error, from those on which they had themselves given judgment, had excited groundless alarm amongst the merchants of London. In the case now before the Court, one H. D. had obtained possession of some bales of silk from the plaintiff, a warehouseman, by falsely and fraudulently pretending himself to be the agent of one F., and authorised by him to purchase the silk on his behalf. Some of the silk so obtained was sold by the defendant, an auctioneer, at the request of H. D., and the proceeds of the sale were handed over to H. D. in due course. An action of trover was now brought for the silk against the defendant, and the verdict was entered for the plaintiff for their value—Mr. Baron *Martin* ruling that the property of the plaintiff in the silk had never passed out of him, and that he was consequently entitled to maintain the action. In support of an application to set this verdict aside, it was now urged that the defendant, having received the goods in the course of his business, and without notice of the fraud by which they had been obtained, was not liable to be sued for their value by the true owner, as he had paid over the proceeds to the man who employed him to sell them: for that, in this case, the defendant had neither the goods, nor the proceeds of them, which distinguished it from *Kingsford* v. *Merry*. It was, however, answered by the Court, that, whatever might be the expediency of a law providing that, if the owner of property parted with it in such a way as to give everybody the idea that the person invested with the possession was the true owner, such person might pass a title in such goods to a *bonâ fide* vendee, yet that it would, at all events, be highly unreasonable, if (as in the present case) the owner of goods should be divested of his title by any manner of dealing on the part of one who had obtained their possession *by fraud*.

ATTORNEY—STRIKING OFF THE ROLL BY REQUEST—ABANDONMENT OF RULE.

*Ex parte* ——, 5 W. R., B. C., 687.

This was an application on behalf of an attorney for a rule to rescind a rule granted to him at his own request, for striking him off the roll. It appeared that the rule in question had been obtained improvidently, and that no step whatever had been taken upon it. The only difficulty the Court felt in acceding to the application was from a doubt whether the attorney was not off the roll in consequence of the rule which he had sought and obtained; but Master *Bunce* explained, that, till the rule was taken to the Master's office, the attorney remained on the roll. The rule applied for was then granted.

WRIT OF INJUNCTION UNDER 17 & 18 VICT. C. 125—NOT ISSUABLE IN EJECTMENT.

*Baylis* v. *Legros*, 5 W. R., C. P., 689.

This is an important case, as it excludes the action of *ejectment* altogether from those in which the courts of law are enabled, by virtue of the Common Law Procedure Act, 1854, to grant an injunction. The action had been brought to recover possession of a factory and other premises, and Mr. Justice *Coleridge* had ordered, on the application of the plaintiff, a writ of injunction to issue pending the decision of the question in controversy between the parties, restraining the defendant from removing or intermeddling with the machinery and other effects on the factory and premises claimed by the plaintiff.

The injunction had been granted under the 82nd section of the Act, which allows the plaintiff in an action to apply for an injunction "to restrain the defendant in such action from the repetition or continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contract or injury of a like kind arising out of the same contract, or relating to the same property or right." And it was held by the Court, that neither this provision, nor that contained in s. 79, applied to an action of *ejectment* at all, but to other actions. Indeed, Mr. Justice *Willes* (who, as one of the Commissioners, may be presumed a good authority) expressly said that the Legislature did not intend to give the courts of law the power of granting an injunction in an ejectment. The rule for setting aside the order was consequently made absolute, but the costs were directed to be costs in the cause.

MASTER AND SERVANT, LAW OF—RESPONSIBILITY FOR ACTS OF SERVANT.

*Patten* v. *Rea*, 5 W. R., C. P., 689.

This case may well be read in connection with that of *Pidgeon* v. *Legge*, noticed in our last number.* That case showed, that, though the relationship of master and servant may happen to exist between the defendant and the person committing the tort complained of, yet the former is not liable if such servant was not, by the intendment of the law, acting in execution of his master's orders. The present case is an instance of the circumstances under which such an acting will be presumed by the law, and the master consequently be held liable. The defendant was sued to recover damages for an injury caused by the negligent driving of his servant, while such servant was going about the defendant's business in a gig belonging to the servant. And it was held, that the action was rightly brought, because the gig, though the property of the servant, was used by him on his master's business, and with his acquiescence. It may be observed, that, though much stress in the argument was laid on the circumstance that the gig belonged to the servant, this does not really seem to have anything to do with the question as to the master's liability. If the servant had been going about his *own* business in a gig belonging to his master, without his knowledge or acquiescence, the latter would not have been liable; as was expressly decided in the recent case of *Mitchell* v. *Crassweller*, 13 C. B. 237.

## Professional Intelligence.

ALTERATIONS IN DISTRICTS OF COUNTY COURTS.

By Tuesday's *Gazette* it is ordered, that, from and after the 1st day of August, 1857:

The parish of Sandhurst, now in the County Court of Berkshire, holden at Windsor, shall be in the district of the County Court of Berkshire, holden at Reading;

The parish of Chearsley, now in the district of the County Court of Buckinghamshire, holden at Aylesbury, shall be in the district of the County Court of Oxfordshire, holden at Thame;

The townships of Embleton and Wythop, now in the district of the County Court of Cumberland, holden at Keswick, shall be in the district of the County Court of Cumberland, holden at Cockermouth;

The extra-parochial place of Exmoor, and the parishes of Winsford, Withypoole, and Exford, now in the district of the County Court of Devonshire, holden at Tiverton, shall be in the district of the County Court of Devonshire, holden at Southmolton;

The parishes of Shudy Camps and Castle Camps, now in the district of the County Court of Essex, holden at Saffron Walden, shall be in the district of the County Court of Suffolk, holden at Haverhill;

The parish of Chilham, now in the district of the County Court of Kent, holden at Ashford, shall be in the district of the County Court of Kent, holden at Canterbury;

The parishes of Dinas, Newport, and Llanychllwydog, now in the district of the County Court of Pembrokeshire, holden at Haverfordwest, shall be in the district of the County Court of Cardiganshire, holden at Cardigan;

The townships of Cheddleton and Basford, now in the district of the County Court of Staffordshire, holden at Cheadle, shall be in the district of the County Court of Staffordshire, holden at Leek;

The parish of Cannock, now in the district of the County Court of Staffordshire, holden at Wolverhampton, shall be in the district of the County Court of Staffordshire, holden at Walsall;

The parish of Bedingfield, now in the district of the County Court of Suffolk, holden at Framlingham, and the parishes of Rickenhall Inferior and Hinderclay, now in the district of the County Court of Suffolk, holden at Bury Saint Edmunds, shall be in the district of the County Court of Suffolk, holden at Eye;

The parishes of Debenham, Winston, and Ashfield-with-Thorpe, now in the district of the County Court of Suffolk, holden at Ipswich, shall be in the district of the County Court of Suffolk, holden at Framlingham;

The parishes of Beyton and Hessett, now in the district of the County Court of Suffolk, holden at Stowmarket and the parishes of Lawshall and Cockfield, now in the district of the County Court of Suffolk, holden at Sudbury, shall be in the district of the County Court of Suffolk, holden at Bury St. Edmunds;

The parishes of Witnesham, Tuddenham, Rushmere, and Nacton, now in the district of the County Court of Suffolk, holden at Woodbridge, shall be in the district of the County Court of Suffolk, holden at Ipswich;

The parish of Brettenham, now in the district of the County Court of Suffolk, holden at Sudbury, shall be in the district of the County Court of Suffolk, holden at Stowmarket;

The parish of Henstead, now in the district of the County Court of Suffolk, holden at Halesworth, shall be in the district of the County Court of Suffolk, holden at Beccles;

The parish of Calstock, now in the district of the County Court of Cornwall, holden at Liskeard, shall be in the district of the County Court of Devonshire, holden at Tavistock.

* *Supra*, p. 579.

## Correspondence.

DUBLIN.—(*From our own Correspondent.*)

QUEEN'S BENCH.—SLIGO ELECTION CASE.

The case of *Sedley* v. *M'Gowan*, which has occupied the Court for several days, and has excited considerable interest, arose out of the late election for the notorious borough of Sligo, where party spirit ran high, and the officials engaged appear to have entered into the contest with as much energy as the candidates themselves. The facts of this case lie in a very small compass. Sedley, the plaintiff, who is an elector of the borough, and whose right to vote is not disputed, went up to the polling place to tender his vote, but the officer refused to receive it. The plaintiff's case was, that this conduct on the part of the officer arose from a determination to prevent, as far as possible, votes from being recorded for the candidate who had obtained the plaintiff's support. The defendant, however, alleged that the refusal resulted from an honest impression that the plaintiff had no right to vote. For the injury sustained by the plaintiff in not being allowed to exercise his privilege as an elector, this action for damages was now brought against the returning officer.

The Lord Chief Justice, in charging the jury, said, that, without going into the question, how far the principal—the returning officer—might be liable for all the acts of his deputy, he would state, that, if the plaintiff's vote were rejected by the deputy corruptly, and in furtherance of a design to secure the return of a particular candidate, although no other instance of his having so acted were proved, yet the act of the deputy was the act of the returning officer, and for the consequences of that act the latter would be liable. Many circumstances had been referred to as proving that such a design existed. Among other things it was alleged that the poll-books had been altered, and did not now present the same results as when first delivered up by the proper officers. If the jury should be of opinion that the books had been tampered with, with the design of procuring the return of Mr. J. P. Somers, it was for them further to say whether they could exempt the returning officer from the charge of being a participator in so illegal and corrupt a design. The case was not merely one where it was alleged that a legal right had been violated. If they found against the defendant, they would decide that he had acted illegally and corruptly, and upon a principle most injuriously and publicly mischievous.

The jury found for the plaintiff, with £100 damages.

WARNING TO RAILROAD COMPANIES.

The case of *White* v. *Waterford and Kilkenny Railway Company* arose out of a very serious accident which occurred a few months since to a train by which the plaintiff was a passenger; a siding, near Dunkitt, having been negligently left open, the train ran into it, and came into collision with a train of wagons which happened to be standing there, and several persons were very seriously injured, and among the rest the plaintiff, who was Inspector-General of Lunatic Asylums. The emoluments arising from this office amount to about £1,000 per annum, and the injuries sustained by Dr. White were of so serious a nature as to incapacitate him for public employment, and to compel his immediate retirement on a pension equal to fully one-fourth of the salary. Dr. White had, up to the time of the accident, enjoyed excellent health; he was, however, about seventy years of age.

It was proposed, on the part of the plaintiff, by calling a stock-broker, to give evidence of what would be the value of an annuity of equal amount to the office plaintiff's income; but this

evidence was objected to, and the Chief Justice ruled that it was inadmissible.

The jury found for the plaintiff, with £2,500 damages.

COURT OF DELEGATES—ATTORNEY-GENERAL *v.* WILSON.

In this long contested case, a very large amount of personal property was claimed by the Crown in consequence of the death, intestate and unmarried, of Captain John Wilson, who was the illegitimate son of Richard Wilson, a man of large fortune, in the County of Meath. In a former communication * we adverted to the impropriety of leaving such a question to be determined by delegates nominated by the Crown purposely to try the case. The judgment of the delegates has now been delivered, and it is in favour of the Crown.

Judge *Crampton*, in delivering the unanimous judgment of the Court, said that the case was instituted in the Court of Prerogative for the purpose of obtaining administration of the effects of the intestate, who died in February, 1855; and the question was, whether Charles Wilson, the impugnant, was his lawful son or not. Only one question of law had arisen in the case; and that was as to the admissibility of evidence of family likeness. That such evidence was admissible as confirmatory evidence, he did not mean to deny, but that it was entitled to any considerable weight he could not admit. Nothing could be more fanciful than the opinions of individuals as to family resemblance—it was altogether matter of opinion. Persons not in any way related to each other often exhibited a wonderful resemblance; while, on the other hand, members of the same family were frequently altogether unlike one another. In the present case the evidence of resemblance was founded on the opinion of persons who had not seen one of the parties in whom the likeness was traced for thirty years; little weight could, therefore, be attached to it. The Court had come to the conclusion that Charles Wilson was the son of Captain J. Wilson; but it had not been proved to their satisfaction that he was also the son of Sydney Booth—a lady who, it was alleged, was privately married to Captain Wilson in 1817. The evidence adduced to prove their courtship and cohabitation was inconsistent and unsatisfactory, and such as the Court could not rely on. Neither could they give credence to evidence that had been given as to declarations said to have been made by Captain Wilson, of the legitimacy of Charles Wilson and his sister. Another branch of the inquiry, and an important one, was as to an alleged marriage between Captain Wilson and Miss Booth (in support of which evidence had been given by the Rev. Mr. Franklin, a very aged clergyman, who professed to have a clear recollection of having performed the ceremony). As to this, the Court were of opinion that Mr. Franklin did not depose to an actual fact, but that he had been persuaded and coerced into the belief of a transaction which was unreal, and had never occurred. The Court, therefore, gave judgment for the Crown.

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EDINBURGH.—(*From our own Correspondent.*)

In the estimates laid before Parliament for the present year, may be seen a charge of upwards of £30,000 for the public records of Ireland; annual charges of the same kind occur for the public records of England; but no similar charge appears for those of Scotland. It may not be altogether useless to explain the reason why.

The public records of Scotland are preserved in the general Register House at Edinburgh, and are under the immediate superintendence of the Lord Clerk Registrar. They are of various kinds, and the establishment is branched into several departments, each of which has its own proper objects and its own officials. Some of these have their parallels in England and Ireland: some are peculiar to Scotland. In all the departments, as in England and Ireland, the system of charging fees for access to and for the use of the records prevails—some exceptions being made to the rule, which need not be noticed here. In some cases, the fees so charged furnish an annual revenue which more than suffices to pay the whole expense of maintaining the department; in other cases, there is a deficiency, but the deficiency is not in any case very great.

The principle of making such an establishment maintain itself is by many strongly objected to; but, on the other hand, there are practical objections to throwing the records open to the public free of charge, even under regulation; and the great majority in Scotland would probably be quite content that the system of charging fees in each department should be continued, and that these fees should be applied to the maintenance of that department, or even that all the public departments should be dealt with as one in this matter. And, indeed, with regard to one of the departments of the establishment—that which has the custody of the various registers relating to the land rights of the country—there never has been any objection to the system of charging fees. It is admitted, on every hand, that these registers are not—in the same sense as the historic records of the country—public; that they were established for the special benefit of those interested in present transactions relating to heritable subjects; and that, therefore, these parties ought to pay for that benefit—and so, accordingly, they do pay, and most willingly. But the feeling is universal, also, that the charges so made should not be more than sufficient to cover the expense of the department. And when it is explained that the fees derived from this department not only maintain it, but yield a large surplus after paying all expenses, it will not surprise any one to hear that the greatest possible discontent prevails; and that the system is regarded as an indirect way of imposing a most unjust tax upon land.

It would naturally be supposed that the surplus revenue arising from the department having the charge of the land right registers would be expended in every sort of contrivance to make these registers accessible and useful to those requiring to resort to them, and to secure efficiency, accuracy, and despatch in the transaction of the important business with which the department is charged. It would not be imagined that Government would divert the funds of this, a special department, differing in its nature and objects from all the other public departments, for the purpose of supplementing any deficiency that might occur in these departments: far less would it be supposed possible that they should appropriate any such surplus funds for general revenue purposes. It is bad enough to make the ordinary public (the word is used in its widest sense) departments support each other by mutual contributions, but it is altogether intolerable that the landowners should be specially taxed for that purpose, as well as for general revenue purposes; yet it is a literal fact that the Government not only makes the whole establishment support itself, but, over and above, derives a large annual revenue from the General Record Office in Scotland, the greater part of which is drawn from the department for the registration of land rights, as may be seen by any one who chooses to verify the statement by referring to the Civil Service Estimates for the year ending March 31, 1856; from which it appears that the expenditure upon the Sasine Office for that year was £5,286, while the receipts were £8,804, and that the total expenditure on all the departments was £11,165, while the receipts were £17,137, thus showing an annual profit derived by Government from the Public Record Office of Scotland of £5,972. In England, the difference between the expenditure and the receipts is enormous, the latter seldom amounting to a tenth part of the former, so that there is always a large deficiency, which is, of course, annually voted. It must not be supposed, that, in pointing out this difference in the state of matters in the two countries, it is intended to insinuate that there is anything wrong in the management of the English system, or to object to the charge which is thereby created upon the public funds. The circumstances under which the two systems exist are entirely different, and they cannot, therefore, be compared; but if a system of registration of land rights be established in England, there may come to be some analogy between the systems in the two countries, and it will then be seen whether Englishmen will consent to pay such fees for the new register as will enable Government to strike the charge for the public records of England out of the future estimates submitted to Parliament. It will surprise us if they do. And yet in Scotland there has been remonstrance after remonstrance, public and private, against this very wrong which has not even produced a promise of redress. In the beginning of this year the writers to the signet addressed a memorial to the Treasury on the subject, which did not receive the slightest practical notice.

But that is the usual way in which all remonstrances from this quarter are treated. There are few Scotch lawyers in the House of Commons; and if the few that happen to be there are seized with a legislative furor, they very soon understand each other, and pass Bill after Bill full of blunders and crotchets, simply because no other Scotch member in the House has sufficient knowledge of law to enable him to interfere with any effect.

The legal bodies send up report after report, and these appear to produce about as much effect as waste-paper; but such a state of things cannot be much longer tolerated, and already

* *Ante*, p. 561.

there is a proposal to associate all the legal bodies of the kingdom into a society, for the purpose of giving more forcible expression to their opinions, and taking more active measures to get them carried into practical operation.

The manner in which the Bill for the Registration of Long Leases in Scotland has been brought into, and forced through, the House of Commons, affords the best possible illustration of the truth of these remarks. It is a Bill which introduces changes that were not called for from any quarter. The existing law caused no practical inconvenience. An entirely new system of conveyancing in regard to leases is called into operation, and the existing rights of landlords are seriously interfered with to meet a few isolated cases of convenience. Besides all this, it introduces a new class of deeds into the registers of land rights, which are already overloaded, and becoming unworkable for that very reason. Many of the clauses of the Bill are remarkable, even among clauses in Acts of Parliament, for the indistinctness of the terms in which they are conceived. As, for example, the 18th section, of the Bill as amended in committee, which runs thus:—"No lease executed after the passing of this Act, unless where the same shall have been executed in terms of an obligation to renew contained in a lease renewable as aforesaid, and of date prior to this Act, shall be held to fall within the same, or to be registrable thereunder, except in case of subjects held by burgage tenure, the name of the lands of which the ground thereby let consists or forms a part, shall not be set forth therein, or where the ground let shall not be described by boundaries in such lease."

It is understood that the Faculty of Advocates have carefully considered this Bill, and have reported against it; but it seems to have acquired greater vitality on this account. It is not the slightest exaggeration to say that there are many conveyancers in large practice in Scotland, of old standing, who have never prepared a long lease of the description dealt with by this Act, and many have never seen one. This may appear a strange statement to English readers; but when it is explained that in Scotland houses, as an almost invariable rule, are built upon land not leased, but feued (that is, disponed or conveyed *in perpetuam*), for payment of a fixed annual sum, it will be better understood.

Another of the sheriffships doomed to extinction by the Act 16 & 17 Vict. c. 92, has fallen, and the counties of Sutherland and Caithness are now judged by one sheriff. When Mr. Sheriff Thomson died, a short time ago, the county of Caithness became amalgamated with Sutherland. The sheriff of the amalgamated counties has since resigned, and Mr. Dingwall Fordyce, one of the advocates depute, has succeeded him. It may, perhaps, be recollected, that, in 1853, a great popular clamour was got up about the insufficiency of the remuneration given to the sheriff substitutes. The agitation would not have met with much opposition—because, so far, it was not without reason—if it had not been coupled with a cry for the abolition of the office of sheriff principal. All sensible men saw that if this clamour was successful, the efficiency of the sheriff courts would be seriously impaired. Those who knew the practical good which was derived from the constant superintendence of the sheriffs principal, residing in Edinburgh, and in daily practice in the supreme courts, and from their periodical visits to their counties, were unwilling to risk the loss of these, and opposed the whole movement; but the pressure was too great to be resisted; so this Act had to be thrown out, as a tub, to amuse the excited mob of so-called reformers. There are few now who would willingly withdraw the sheriff substitutes from the control of their principals.

## Parliamentary Proceedings.

### HOUSE OF LORDS.

*Friday, June 26.*

ROYAL COMMISSION.

The Royal assent was given to the Transportation and Penal Servitude Bill.

*Monday, June 29.*

JOINT-STOCK COMPANIES ACT AMENDMENT BILL.

This Bill went through committee; and on June 30 the amendments were reported and agreed to.

*Thursday, July 2.*

ROMAN CATHOLIC CHARITIES BILL.

This Bill was reported, and referred to a select committee.

### HOUSE OF COMMONS.

*Friday, June 26.*

THE SUPERIOR COURTS OF COMMON LAW.

Sir J. PAKINGTON, in reply to Mr. M'MAHON, said, that the members of the Common Law Commission were now considering their report, and he had no doubt that it would be presented before the termination of the session.

PROBATE AND LETTERS OF ADMINISTRATION BILL.

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said, the evils and grievances attendant on the continuance of the present system of obtaining probate of wills and letters of administration had been so long admitted, that he might well assume it was a matter on which there could be no difference of opinion. In fact, for nearly thirty years, different governments had attempted to accomplish this alteration; and unquestionably these courts would have long since succumbed to the attacks made upon them if their assailants had been as determined as to what should be erected in their place, as they were unanimous in their desire to pull them down. The House was aware, that, anterior to the new Statute of Wills, a remarkable difference existed between wills of personal estate and wills of landed property. A will of personal estate needed no attestation; but a will of real estate required to be attested by three witnesses, and to be executed with great solemnity. The Act of 1837 took away that distinction, and required that all wills, whether they related to personal estate or exclusively to real estate, should be executed and attested in the same manner, and with the same solemnity. It might naturally have been expected that instruments subject to the same forms and regulations would be subject to the same tribunals for adjudication—viz. the ordinary tribunals of the country. But a glaring anomaly was allowed to continue, that, whilst they had one single form according to which the will must be made, there were nevertheless two tribunals to which it must be submitted: first, with regard to its validity so far as related to personal estate, to the Ecclesiastical Court; and then to the ordinary tribunals of the country, so far as it related to real estate. If there were both real and personal estate, and there were any contest relative to the sanity of the testator or to the execution of the instrument, that question could not be determined by one single tribunal once for all, but the parties were compelled to take the matter to two different courts having different forms of procedure, and which might arrive at different and opposite conclusions. Only last year they had witnessed one of the most glaring examples of this. A testator in Ireland was pronounced by the Ecclesiastical Courts of that country sane as to his personal estate, but in the courts of common law, in reference to his real estate, he was pronounced insane. This occurred perpetually in the present state of the law. But there might be the same contest between the ordinary tribunals as to real estate; for if a man died having land in Surrey, he might be found insane by a Surrey jury, and if he had also land in Middlesex, a Middlesex jury might find him sane. The first conclusion, therefore, which this state of the law seemed to indicate, was the appointment of a tribunal competent to decide once for all on the validity of a will, whether of real or personal estate, or both. The next thing to be observed upon was, that, in the Ecclesiastical Courts, the mode of arriving at a decision was different from that of the ordinary tribunals. He believed all would agree that matters relative to a testator's state of mind could not be tried in a satisfactory manner except before a jury, because there was no other mode by which the evidence could be so well tested. But the proceedings of the Ecclesiastical Court were formed on the model of the civil law, and the conclusion was arrived at quite in a different way from that in the common law tribunals. The next requisite was that the Court should have one uniform mode of procedure, ascertaining disputed facts through the medium of a jury, unless all parties, where there was no necessity for the sifting of the evidence, agreed to submit the case to the determination of the judge. Uniformity, simplicity, and economy were the principal requisites which should be considered in any change; and he would now at once proceed to show how far the alterations proposed to be made were conducive to these three requisites. The Bill proposed to abolish at once all the existing ecclesiastical and peculiar courts in which wills might now be proved, amounting to about 400 in number, and which were of no manner of use, except to increase that "admired confusion" which had so often prevailed in our system in consequence of the extreme tenacity with which we clung to old institutions long after they had ceased to be of the slightest practical benefit. It was proposed to substitute one single court of probate. Even for the ordinary

process of proving, or, as he preferred to term it, of authenticating a will, a court would be necessary in consequence of the minute technical forms which the Statute of Wills required to be observed. The Court of Probate, therefore, would be the court to which wills would be brought, even if they belonged to what was called the common form business, for the purpose of being authenticated; but the mode of procedure would be very much more simple, and much more economical than that which at present existed. Of course the new court would be located in the metropolis; but for the convenience of the country at large, district courts would be formed, and local registries established, to which wills might be taken whenever a person, whose ordinary place of residence was within one of those districts died, leaving personalty not exceeding £1,500, and the parties preferred to go to the local, instead of the metropolitan court. It would not, however, be prudent to extend that privilege to cases where the property exceeded £1,500. Suppose, for instance, a will not complying with all the formalities injoined by the Wills Act was admitted to probate, the executors might go to the Bank of England, or to any public company in which the deceased happened to have stock standing in his name, and get that stock transferred to himself, which he might convert to his own use. If this will proved to be informal, and another will was subsequently admitted to probate in favour of other parties, the Bank or the public company would be compelled to make good the property they had parted with. It was, therefore, desirable to restrict the jurisdiction of the local registrars to £1,500, and insist on all the more important cases being taken up to London, where, of course, greater care and accuracy could be insured. There was another way of proving wills, which was not so simple as this, and which was called the proof "in solemn form." Its object was this: There might not be at the moment any particular contest about the validity of a will, but the parties interested in it might be desirous of having placed on record the evidence both of its due execution and of the sanity of the testator. The Bill provided a mode in which a will might be proved in a manner that would be conclusive in point of validity as regarded both real and personal estate. Suppose a party was desirous of establishing a will; all that would be necessary would be to make a simple allegation that the testator was of sound, disposing mind, and that the instrument had been duly executed in conformity with the law. The heir-at-law and the next-of-kin, and every other party interested, would then be cited to appear in court. The witnesses would be examined before the judge; the sentence would be pronounced; and it would definitively conclude and settle the validity of the will. At present a will devising real estate might be contested after any lapse of time; and the consequence was, that considerable uncertainty sometimes prevailed with respect to the title to real property. The next species of business with which the court would have to deal was what was called the contentious business, which would comprise the suits instituted by parties hostile to any particular will. If the Bill passed, the Lord Chancellor proposed that Orders should be framed under which the form of procedure should be very much simplified. All that would be requisite would be an allegation of ten words by the plaintiff, and a response of half-a-dozen words on the part of the defendant. Then the whole process would be referred to a court of common law. The facts would be examined into, and a verdict arrived at, which, if there was no rule for a new trial, would be a final decision. The present judge of the Prerogative Court, if he pleased, would be the judge of the new court in the first instance; but it was proposed, that, as soon as the judgeship of the Court of Admiralty should become vacant, the judge of the Probate Court should preside over both tribunals; and he (Sir R. Bethell) trusted that at some future time a measure would be brought forward to simplify likewise the procedure in the Admiralty Court. Besides this, it was proposed that the judge of the Probate Court should be one of the judges of the Divorce Court; indeed, he was to be the Judge Ordinary of that tribunal. Nor would the jurisdiction of this judge stop there. One of the great wants of the day was some tribunal which should have authority over the property of deceased persons during the litigation as to the valldity of disputed wills. In such cases the property was neglected, and very great prejudice was the result; but the present Bill would give the judge power to appoint an *ad interim* manager of the personalty, and an *ad interim* receiver of the real estate. These were the principal functions which the new court would have to discharge. Its daily and ordinary functions would chiefly have reference to questions that might arise on proving wills in common form. With regard to the officers of the new tribunal, it was proposed that they should, as far as possible, consist of the officers of the old courts. As far as was practicable the officers of the Prerogative Court would be transferred to the new court, and the diocesan registrars would be transferred to the new district registries. The relations between the metropolitan registry and those in the country would demand special attention in committee. One question that might arise would be, whether the papers should be sent from the district registries to the London office before they were finally admitted to probate? On consideration, however, it had not been considered absolutely necessary that that should be done; and it would manifestly cause delay, and likewise some additional expense. Some alteration would be necessary in the matter of caveats; and he should introduce a clause to prevent the possibility of a will being proved in one court while there was a caveat against it in another. It was proposed that all the existing wills should be collected in one great registry, and that copies of the wills, which in future would be filed in the district registries, should also be placed in such registry. The Bill proposed also to make arrangements which in a few years would lay the foundation for a very important means of obtaining information as to titles. It was proposed that indexes of all wills should be kept in all the district registries, as well as in Edinburgh and in Dublin. By that means great facilities would be given for obtaining a knowledge of facts, which at present could only be arrived at by tedious and protracted search. Another object of the Bill was to provide a place of deposit for the wills of persons in their life-time, which it was expected would in many cases be found a great convenience. In a word, there was scarcely any inconvenience which had been reported upon by the different Commissions with which the measure did not attempt to deal. He now came to a more painful subject—the manner in which he proposed to deal with the persons who held offices that would be abolished by the Bill. So long ago as 1836, warning had been given to these parties that the offices they held were condemned; and, by the 6 & 7 W. 4, it was provided that no compensation should be given to any officer of the ecclesiastical courts except the judge and registrar of the Metropolitan Court of Canterbury, in the event of these offices being abolished; which warning had been repeated in subsequent enactments down to the 10 & 11 Vict. He, therefore, proposed that those who were in office anterior to the 6 & 7 W. 4, should receive full compensation; and that those who had received their appointments after that date should be regarded as holding their appointments during pleasure, and on that footing should receive compensation. In the one case the parties would be entitled as if they held a freehold office; in the other, they would be regarded as appointed during pleasure, and would be dealt with in a very different manner. The managing clerks in the registry of Canterbury would also be provided for. Those who had served fifteen years in that capacity would be compensated under the provisions of the Bill; and it would be for the House to say whether and how far that proposal should be extended. He now came to the proctors—who were to retain a monopoly of the common form practice. The amount of that business would be very much increased by the Bill, for all the non-contentious business in the country where the property exceeded £1,500 would pass through their hands, one-third of which only was at present transacted in the Prerogative Court, and the House would thus be able to form an opinion how far they would be affected by the proposed change. Besides, the Prerogative Court dealt only with personal estate; but hereafter there would be brought into that court contested cases of real as well as personal estate. In the former Bill which he had introduced, he proposed to abolish the proctors' monopoly, and he provided a measure of compensation. He proposed that the proctors should receive an annuity of one-half their average gains. But he was unable to please them by that proposition, and it was chiefly owing to their resistance that the Bill was lost. The present plan, however, was in part what they had themselves proposed; and he could not, therefore, feel the slightest reluctance in pressing upon the House the adoption of the Bill. It would be idle for the House to assume to prophesy that these persons would sustain a loss, and vote away the public money as compensation. It was impossible to recognise the right of practitioners to compensation. If there were improvements in the law, giving greater simplicity and facility, was the practitioner to have a vested right in delay, and evil, and suffering? What would be thought of the medical man who claimed a vested right in protracted suffering and disease? As the office remained there was no ground on which compensation could be claimed. Though the measure was by no means of so large and comprehensive a character as the former ones, it would be more entitled to general approval; it was more fair and just, and would succeed in re-

moving the inconveniences that had been complained of for the last thirty years.

Mr. HENLEY had great pleasure in seconding the motion for the second reading. He thought the House and the country were indebted to the Attorney-General for yielding his own views, which were in favour of a more theoretically perfect measure, to the requirements of the public. As to the constitution of the Court of Probate, it might be a matter of consideration whether it was wise to load it with the business of the Court of Admiralty; but that was a mere question of detail. He doubted the propriety of the provision for transmitting wills proved before this time; there was a great feeling in the country against it; and he thought it desirable that these evidences of title, relating, as many of them did, to the poor man's cottage, might remain where they were. No point was more strongly felt in the country than that of having the means of verifying their titles easily accessible. The same objection did not apply to wills which might be proved afterwards, as the same evidence was not necessary. He hoped this matter would be considered by the committee. On the question of compensation, the Attorney-General had altogether omitted to speak of the proctors out of London—at Chester, York, Exeter, and one or two other places. These gentlemen would unquestionably entirely lose their business, as solicitors would be eligible to practise in their courts; and they were certainly entitled to some compensation. As to the London proctors, he thought it impossible to say how much they might gain or lose by the change. He was at first rather in favour of throwing open the business, but subsequent consideration had led him to an opposite conclusion. It seemed there was a statute which prevented proctors from entering into partnership with solicitors; in other words, from dividing the spoil with them, where the solicitors brought them business. It was proved by the evidence before the commission that the proctors, being a small body, stood equally between the suitors and the court, and would not lend themselves to anything like improper practices. If the business were thrown open there would be 10,000 or 12,000 practitioners, and the Court would then have much less control over them. The business had been hitherto most satisfactorily conducted, and it was not worth while to run the risk of disturbing this by throwing it open to the profession.

Mr. COLLIER said there were serious defects in the Bill, but he hoped they might be remedied. First, he deemed it unnecessary to create a new court at all; and secondly, he objected to the court as proposed. He proposed that the courts of common law should transact all the contentious business, and that all the common form business should be disposed of, not by a judge, but by a registrar, with a salary of £1,500 a year. Amidst all the complaints against our legal system, he had never heard a complaint that we had too few courts, but rather too many. Out of this fact arose the great opprobrium of our system. Recently, we had witnessed the scandalous spectacle of a contest of jurisdiction between the Court of Chancery and the Court of Bankruptcy over the carcass of the British Bank. At present a commission was sitting to inquire whether there were too many judges, and in the face of that commission it was proposed to appoint a sixteenth judge. In America and in India there were no doctors or proctors—men made their wills and died, and the ordinary tribunals had no difficulty in disposing of the business. Thirty years ago the ecclesiastical courts in Scotland were abolished, but the people would not endure the creation of any new court in their stead. The jurisdiction was transferred to the Sheriffs' Courts and the Court of Session. Why should not the Courts of Westminster do in England what the Court of Session did in Scotland? The ecclesiastical courts were a diseased excrescence, which a healthy action of the existing tribunals ought to absorb. The Lord Chancellor himself, in introducing the Bill in the last session of Parliament, said that the new judge would have next to nothing to do. Now he said, that he proposed the new court and the new judge against his better judgment; but by what influence he was induced to alter his opinion he (Mr. Collier) did not know. On introducing the Bill in the present session, he still expressed the opinion that the new judge would not have enough to do, and, therefore, he proposed to make him assistant judge in the new Divorce Court and also judge of the Admiralty Court. He should like to know on what principle or system these three jurisdictions, which had nothing in common, were to be mixed up together. On what ground were wills, ships, and marriages to be put together, and handed over to one court? They might as well give one court jurisdiction in bankruptcy, burglary, and bills of exchange. With regard to the jurisdiction of the Court of Admiralty, that should be given to the courts of common law. Those courts decided cases of the collision of vessels, and awarded damages; and he could not see why they should not also decide as to the apportioning the damage between vessels. His main objections to the Bill were, that it saddled the country with a new court, which was unnecessary; and that the court would not be an efficient court for the purpose. The judge of the new court would be judicially starved: he would have to live on mere husks and straw, whilst the well-fatted calves would be transferred to another court. He should endeavour in committee to reduce this proposed new court to an office with a registrar, and to refer the whole of the contentious business to a court of common law, in conformity with the provisions of the Bill which he introduced four years ago, and which received the support of the Solicitor-General. One word with regard to the appeal. There was a provision in the Bill allowing an appeal to the Judicial Committee of the Privy Council, who were again to hand the case over to the House of Lords. It was of the utmost importance to give the county courts jurisdiction in cases of probate, because not to do so would amount to a denial of justice to the poor man. But he could not understand why the county court districts should be adopted for contentious purposes, and the diocesan districts for non-contentious. Nothing could be more unsystematic than to have one set of districts for trying the contentious, and a different set for trying the non-contentious questions. This would very much limit the public accommodation. There was only one place of registration for Westmoreland and Cumberland for instance—namely, Chester. Peterborough was the place of registration for part of Northamptonshire, Huntingdonshire, and Cambridgeshire. He should take the sense of the House whether the county court districts should not be adhered to. The Attorney-General adopted his proposition on that point in the Bill of last session. These were the outlines of the objections he felt to the present Bill, and he should submit clauses for the purpose of introducing the amendments he had pointed out. He was strongly of opinion that they ought altogether to get rid of the old cumbrous and obsolete ecclesiastical court, and transfer the jurisdiction to the ordinary tribunals of the country.

Mr. ROLT said, he should certainly despair of the cause of law reform if the views expressed by Mr. Collier were adopted. As he understood the question, the great grievance was the multiplicity of independent jurisdictions with regard to probate of wills and grants of letters of administration, and the difficulty—almost the impossibility—of determining with anything like certainty the particular jurisdiction which should deal with a particular case. That inconvenience was admitted for the greater part of this century. But the grievance did not arise from any defect in the tribunals of the country, or from any abuse in the exercise of the jurisdiction of these tribunals. The defect arose from the rapid increase of wills relating to personal property, so that tribunals which were amply sufficient to discharge the duties they had to discharge when they were created, became wholly insufficient when personal property had increased by the formation of canals, railways, and other property of that kind. Mr. Collier seemed to think that the new court would have nothing to do. That arose from an entire misapprehension of the nature of the common form business of the ecclesiastical courts. The mere authentication of a will was not all that was required. The common form business of these courts required men of knowledge, experience, and education. These courts had to determine who was to be executor, and other questions which affected the rights of property in the highest degree. To suppose, therefore, that, because the Court did not sit every day in the week, it had no business to do, was an entire fallacy. He admitted it might be possible to engraft on that jurisdiction other branches of business based on the civi law. Three members of the commission were of opinion that the jurisdiction in this matter should be transferred to the Court of Chancery; but whether it was transferred to the Court of Chancery, or to a court of common law, or to an entirely new tribunal, it must be made a separate department. It must be a distinct department, with distinct officers, to whatever tribunal the jurisdiction was transferred, and therefore the commission came to the conclusion that it ought to be transferred to a new tribunal. That was the reason why he should oppose any attempt to do less than was proposed to be done by this Bill. There were points in the Bill with which he did not agree, but this was an occasion on which they must sacrifice their particular views in order to carry a great reform. With regard to the compensation, he hoped the House would enable the Government to pass a larger measure of compensation than the Bill proposed to give.

Mr. MALINS had always agreed in the necessity of doing away with the numerous jurisdictions, and removing the whole matter from the control of the ecclesiastical courts, and establishing a Queen's Court of Probate. As he gave a general support to the Bill, he would not then enter into his objections to the details; but he was strongly opposed to the clause which gave the appeal to the House of Lords instead of to the Privy Council. The Bill was one which called on many persons to make great sacrifices, and destroyed great interests. He had heard with much pleasure the declaration of the Attorney-General with regard to the proctors of the Courts of York and Chester; for if the Bill had abolished their offices without compensation, it would have committed a gross injustice. The learned gentleman, however, said he could not make the concession with respect to the proctors in London, on the ground that they had no claim to compensation when a mere improvement was effected. The principle was the same in both cases, as the proctors of York were nothing else than the victims of an improved practice.

Lord PALMERSTON.—They are to be swept off the face of the land.

Mr. MALINS.—The noble Lord admitted the principle with regard to the proctors of York, who were to be swept away, but he refused it to those who would hereafter earn only £100 by their practice, where they now earned £800. The proctors of London were about 120 in number; they were gentlemen of great respectability, and members of a body which had enjoyed its privileges for over six centuries. He was sure the House would admit their claim if it could be proved that the Bill, while preserving their privileges in name, did, in reality, destroy them. The number of wills proved and administrations granted in England was 25,000; of these not more than a hundred were contested, so that it would appear the non-contentious business produced the greater portion of their profit. The Bill, however, proposed that in all cases where the property did not exceed £1,500, the will should be proved in the district court, which would (as the proctors asserted) take away seven-eighths of their entire business. In committee he would go into statements which would place this matter beyond doubt. In the former Bill the Attorney-General had proposed to allow them as compensation the amount of half their receipts, calculated on an average of the last five years. It would be proposed in committee to adopt that scale, and to charge the compensation, as in the former Bill, on the suitors' fee fund. It would thus be no burden on the public.

Mr. WESTHEAD urged the claims of the proctors of York to compensation, whose case (he said) was very different from that of the London proctors. The system at York was unique. It was constituted in 1311, and from that time to the present the number of proctors attached to the court was only eight; each proctor was allowed one clerk, who succeeded as vacancies occurred. He objected to the division of the county of York into four districts, as proposed by the Bill; if it was carried into effect, in case of a death near York, the will would be sent to Hull or Richmond to be proved.

Sir E. PERRY would have been glad to see in the Bill a provision to give jurisdiction, contentious or non-contentious, to the county courts in all cases, no matter what the amount, when the parties agreed to submit to that court; and that the district registrars should be at once attached to the county courts. To the principle of compensation to the proctors he was opposed. Whether the compensation was charged on the fee fund or not, it must come from the pockets of the public. On a former occasion the proctors expressed themselves willing to accept the Bill if they were allowed to retain the common form business for ten years, but the present Bill gave it to them for ever. Therefore, he trusted the noble Lord would not listen to the claims urged on him, but adhere to the principle he had already adopted, and carry the Bill as it now stood.

The SOLICITOR-GENERAL congratulated the House and the country on the prospect of at length passing this Bill. Mr. Collier did not deny that this Bill would get rid of the evils complained of, but contended it would not do so in the best manner, and referred to the course proposed by him (the Solicitor-General) of transferring the jurisdiction to the common law courts. He certainly would be glad if such a measure could be carried, but he must remind his hon. friend that the objections entertained to that course were so strong that the Bill had never been allowed to come to a second reading.

Mr. HEADLAM spoke in favour of the Bill, and observed that two of the greatest objections to former measures had been got rid of—centralisation, and throwing the decision of the validity of wills into the Court of Chancery. He thought the proctors of York stood in a different position from the proctors of London, and that their case was deserving of consideration.

Mr. CAIRNS said, that, although this was not the proper time to discuss the details of the measure, the distinction between its principle and details was so fine, that he thought it necessary to throw out some suggestions for the consideration of the Attorney-General in future stages. One point to which he would call his attention was that of a contentious litigation. The Bill provided, that, in every case in which the heir-at-law disputed a will, the matter was to be withdrawn from the judge of probate and sent as an issue into the courts of common law. One of the greatest evils at the present time was the handing of a case from one court to another, and that might be avoided in the case of the new court, if the decision of the jury were obtained under the direction of the judge of probate, who would be peculiarly fitted to direct a jury in such matters. With regard to appeals: Under the Bill the appeal was to be, not to the Judicial Committee of Privy Council as at present, but to the Judicial Committee at stage No. 1, and by that court to the House of Lords at stage No. 2. During the last Parliament a discussion took place respecting the appellate jurisdiction of the House of Lords, and he was not aware that anything had been done substantially to remedy the complaints against that tribunal. What ground, then, could exist for transferring the appellate jurisdiction from one which had hitherto given satisfaction? Then, again, the contentious business was to be decided in small cases by the county courts, but the Bill contained this singular provision, that the appeal was to be to the courts of common law—thus multiplying courts of appeal, and giving rise to differences of decision—when the appeal ought to be to the Court of Probate. He thought a serious question would arise upon that part of the Bill which related to country districts. The proposition was to create forty-one country districts for the proof and registration of wills where the property was under £1,500. It would, therefore, be necessary to provide forty-one substantial fire-proof buildings, and an efficient staff for each; and he confessed he did not think the advantage at all commensurate with the expense. The Bill provided, that, on any person making an affidavit that the deceased had usually resided in a particular district, the will was to be proved there, and the affidavit become conclusive. The person who obtained probate on such affidavit might at once proceed to London, and transfer any stock which stood in the name of the deceased. But if a person wanted to lodge a caveat against the proof of such a will, how was he to do it? If the caveat was to be entered at the central court, and sent into the district, some method ought to be devised by which, upon such entry, the country court should be immediately (*e. g.* by electric telegraph) apprised of it. He would submit to the Attorney-General whether it would not be better to bring up the original wills to the central office, and preserve copies in the districts, than to have the original documents scattered over forty-one buildings throughout the country. The question of compensation was one of extreme difficulty. The Attorney-General, who considered the principle of compensation altogether vicious, said that it was absurd to talk of it when there would be nothing but an alteration in the practice and rules. The learned gentleman must have greatly changed his opinion on that point, for his name was appended to the Report of the Commission which stated that compensation should be made to the proctors if their business was thrown open. [The ATTORNEY-GENERAL said, he proposed to give the proctors what, by their evidence before the Commissioners, they said would be sufficient—the common form business.] The proctors would be content to give up the contentious business if the common form business was left untouched and unaltered; but this Bill proposed to take away from the central court the common form business with regard to all estates under the value of £1,500. The question then arose, whether there was not a case for compensation. In conclusion he would again urge on the Government the propriety of reconsidering the points to which he had directed their attention.

Mr. AYRTON thought the Government ought to place on the table a statement of the public moneys that would be dealt with by this measure, an estimate of the expenditure, whether arising from the creation of new offices or compensation for those to be abolished, and also a statement of the amount which the proctors would be likely to lose, in order to guard against injustice being done. He objected to the principle of compensation; but when he looked at the clause which had been inserted for the benefit of Lord Canterbury, he thought it would be a great scandal if a whole class of industrious individuals should be deprived of their income without compensation, when a nobleman, who had

only the expectation of office, was to receive an annuity for life equal to the emoluments of that office which he had never held.

Mr. NAPIER thought the principle of compensation just, but it depended on the particular case. His own feeling was, that the proctors had a claim for compensation.

Mr. W. H. ADAMS hoped the Attorney-General would reconsider the question of compensation. In committee he should be disposed to take the sense of the House as to the Admiralty jurisdiction being transferred to the new court, which he thought ought to be vested in a court of common law.

Mr. WALPOLE agreed in the principle of the Bill, and considered it the best adjustment of a difficult question. He thought, however, the Court should have power to determine every question connected with testamentary jurisdiction, and that to prevent varieties of rules and decisions in the district courts there should be one court of appeal.

The Bill was then read a second time.

### FRAUDULENT TRUSTEES, &C., BILL.

On clause 1, Mr. ROLT moved to leave out "property," and insert "estate or interest in land of any tenure, or of any share or interest in any public stock or fund, whether of this kingdom, or of Great Britain, or of Ireland, or of any foreign state, or in any stock or fund of any body corporate, company, or society, or of any security for money whatsoever, or of any chattel." The clause as it stood would have a tendency to prevent persons of character and position from accepting the office of trustee, and the object of the amendment, with another which he intended to propose, was to diminish that tendency. He distinguished between the case of a trustee who applied money to his own use, and one who sold stock or chattel property. In the former case, a man was only criminally insolvent, and could be dealt with by the bankruptcy and insolvency laws, while in the latter his offence partook of the nature of larceny; and he contended that the punishment provided by the Bill ought not to be extended indifferently to both classes of offence. Then the evidence to prove intent to defraud would be very difficult to obtain. There might be circumstances in which a person possessing trust money might, from want of knowledge, commit a breach of trust; and if he innocently stopped payment, he would be liable under this Bill. The trustee who had money in his hands, and did not pay it, was not more than criminally insolvent, and differed from a man who dealt fraudulently with stock. If the amendment was agreed to, it would be possible to strike at those cases of offences of the highest class, while it would exempt those who, though criminal, were yet criminal in a sense different from the other. In legislating on this subject it was well to consider, that, though legislation could do much, it could not do all, and the public must be taught that the greatest safeguard in these matters was the simplicity of the trusts they created, and the trustworthiness of those whom they selected to execute duties, the essence of which was confidence.

The ATTORNEY-GENERAL said, that, in the general tendency of the observations of his learned friend, he concurred; but with regard to the immediate point, which was the substitution of particular for general words which would include every description of property, he could not concur. How impossible was it to say, that, if a trustee took money only, he incurred a debt, and that a trustee who took stock, or any other security, and turned it into money, and used it for his own purposes, committed a crime. If you left out the word "money," the most painful instances of fraudulent robbery would escape punishment, for he hoped that the Bill would reach numerous cases in which small sums passed into the hands of fraudulent trustees, and were used by them. He desired not to interfere with the relations of trustee and *cestui que trust*, but here there was nothing to frighten the most nervous man; for no one could by possibility come within the scope of the Bill unless he wilfully appropriated to his own use the property of a person whom he was bound to protect.

Mr. HEADLAM said, that the whole clause and the extension of the criminal law which it caused, would be productive of infinitely more mischief than good. There might be cases in which a perfectly honest trustee or guardian might innocently get into such a position as to throw on him at least the onus of proof that he was not liable to a criminal charge, and to a penalty of seven years' penal servitude. What effect would not this have on other persons who became aware of it? Would they not decline to undertake trusteeship when the fact of their being unable to deal with a complicated trust would throw this responsibility and danger upon them? He believed the number of cases which would come into court under this Bill would be exceedingly small, for in most cases the offending trustee was a relative whom the family would be unwilling to indict.

Mr. Serjt. KINGLAKE doubted whether the words "with intent to defraud" were a sufficient restriction on the clause. The question as to such an intention was one of the most difficult which could be submitted to a jury. He objected to the provision made in the 12th clause of the Bill, that no criminal proceeding should be commenced without the consent of a judge or of the Attorney-General, because, under that clause, the prosecution would depend upon an ex parte affidavit. It would be much better that the operation of the Act should be limited to frauds which became apparent in the course of some civil proceeding.

Mr. BARROW said, that, from long experience of trustees in the lower ranks of society, he was quite satisfied that this Act would operate most injuriously upon the interests of the widows and orphans of those classes on whose behalf the Attorney-General had appealed to the House. The Attorney-General had said, that, if a gentleman mixed trust funds with his own money at his banker's, and afterwards overdrew his account, but was able to pay the money when it was wanted, he would not be liable to a prosecution under this Act; but surely in such a case the offence had been completed, and the subsequent repayment of the money would not prevent its being an offence.

Mr. NAPIER said that the objections which had been raised to the Bill ought to have been taken on the second reading, because they attacked its entire principle. The essence of the crime was the intent to defraud; and that was only such a question as was ordinarily submitted to a jury—as, for instance, in the case of a person tried for intent to murder, which was itself a capital offence. In such cases the whole question was as to the intent. The essence of the criminal law was the intent, and the clause was intended to bring within the operation of the criminal law a class of offences which had hitherto escaped.

Mr. AYRTON suggested that words should be inserted to make it clear that a man should not be convicted simply for offences which a court of equity might deem fraud, but which a jury, upon a review of the whole facts of the case, might not think of so deep a dye.

Mr. WIGRAM said, that, if the clause were meant to apply to persons who were guilty of the offence of appropriating to their own use property which was not their own—in other words, of embezzlement—he did not care how large its words were; but, as that was not quite clear, he hoped that the Attorney-General would state whether the clause was meant to apply to that class of offences only, or was to extend to cases where persons appropriated property to other persons' use.

The ATTORNEY-GENERAL said the question would be best answered by putting this case: that if a person were, on his son's marriage, to transfer to him stock of which he was trustee, that would not be an appropriation to his own use, but to the use of some other person; still it would be a fraudulent appropriation, and one which would go unpunished unless the words which he had proposed were inserted in the clause.

Mr. CAIRNS said that would be met by the words to be found further on in the clause—"otherwise dispose of or destroy such property."

Mr. ROLT replied, he was desirous that a sufficiently severe punishment should be imposed to prevent the commission of crime, but he was unwilling to commingle offences of different characters and classes. He would, therefore, press his amendment.

The gallery was then cleared, but the amendment was negatived without a division.

Mr. BLAKE moved that after the word "person," in line 9, the words "or for any public or charitable purpose" be inserted.

The ATTORNEY-GENERAL was ready to assent to the amendment. He would also endeavour to carry out Mr. Rolt's object by inserting after the word "appropriate," the words "the same or any part thereof," and to omit the words "or the use of any person other than the person entitled thereto." The clause, with the amendments, would then stand as follows:—"If any person being a trustee of any property for the benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert or appropriate the same, or any part thereof, to or for his own use or purposes, or shall, with the intent aforesaid, otherwise dispose of or destroy such property, or any part thereof, he shall be guilty of a misdemeanor."

On the motion that the clause as amended stand part of the Bill, Mr. WALPOLE said, he quite agreed with the views generally taken in reference to this clause, but he wished to suggest that

the clause, as it stood, did not sufficiently distinguish between an actual and an implied trustee. The consequence might be that a man, who was not really aware that he had all the duties of a trustee cast upon him, might be liable to be indicted under this clause. He suggested that the word "trustee" ought to be more clearly limited and defined.

The ATTORNEY-GENERAL said he would consider the suggestion.

The clause was agreed to.

On clause 2, which refers to bankers, &c., possessed as such of property, fraudulently selling, &c.,

Mr. HENLEY asked, supposing a man put £1,000 into a banker's hands in the ordinary way, expecting to get it back again when he wanted it, and the banker, as was usual in such cases, applied the money in any way he liked while it was in his possession, what constituted in that case the act of fraud?

The ATTORNEY-GENERAL said, if a person left money in a banker's hands in the ordinary way, that money was in law a loan from the customer to the banker, and there would be no fraud, though the borrower, when the customer asked for his money, should be unable to meet the debt. But if the money were deposited on the understanding that it should be applied in a particular way, and that was not done, that was a case of fraud.

Mr. HENLEY wished to know what were the circumstances under which a banker might apply money to his own use? and what was it that constituted a fraud when he did so?

The ATTORNEY-GENERAL said, if he took a bag of money tied at the mouth to a banker, and desired him to keep it for him, and the banker cut open the bag and took out the money, he would be applying it to his own use, and came within the meaning of the clause. The difference lay between money lent in the ordinary way and money deposited. If he packed twelve bills of exchange in a parcel and deposited them with a banker to be kept by him, he would be guilty of a misdemeanor if he appropriated those bills.

In answer to a further question from Mr. Henley,

The ATTORNEY-GENERAL said, the words of the clause as it stood would not interfere with any of the ordinary transactions of trade; neither would they interfere with anything that might be wrongfully done, if it was not done with intent to defraud. It would apply to transactions that were wrongfully done by the banker, and to which the law would attach the character of being done with intent to defraud.

Mr. AYRTON read a clause in the Bankers Act (7 & 8 Geo. 4), to show that the offence to which the clause related was already an offence. He thought the terms of that clause more clear and explicit than the terms of the clause in this Bill, and suggested that they should either repeal the existing law or make some reference to it.

The ATTORNEY-GENERAL said, the clauses in the Bankers Act were limited entirely to cases where directions were given in writing, and where the property was specially intrusted to a banker. In this clause the language had been most carefully selected to meet the case of a banker "who becomes possessed of the property of another person," and was much more comprehensive than the language of the clause in 7 & 8 Geo. 4, in order to include a large class of offences which, under the interpretation put upon that Act, escaped punishment.

Mr. HENLEY suggested that it would be better to state distinctly that it should be no longer necessary to prove that the directions were in writing. How could it be shown that this clause would not include every case of payment of money into the hands of a banker? The words seemed to him to be too general.

Mr. NAPIER explained that the clause could not include ordinary payments of money over the counter, because in such cases the property changed owners. The moment the money was handed over it became the property of the banker, and he could not be said to be "possessed of the property of another person."

Mr. MALINS said the distinction between the two cases was obvious enough. If £1,000 were deposited, the property passed to the banker; but the deposit of £1,000 worth of Exchequer Bills would be a different case; that would come within the meaning of this clause, but the first would not.

Mr. CAIRNS said, the Attorney-General had explained that money lodged with a banker became his property, and a debt due to the customer. Now, the interpretation clause said, that the word "property" should include debt, and therefore the banker who appropriated deposits to his own use would render himself liable to the penalty imposed by the present Bill.

Mr. GURNEY asked whether, supposing a banker fraudulently negotiated a bill lodged with him for collection before it arrived at maturity, and appropriated the proceeds to his own use, he would render himself liable to the penalty imposed by the Bill?

Mr. GRIFFITH, in order to meet the difficulty, suggested the insertion, after the word "property," of the qualifying phrase, "not being money on current account."

Mr. J. D. FITZGERALD, replying to Mr. CAIRNS, said, that, if the money deposited with a banker became a debt due to his customer, he could not understand how the banker could appropriate a debt he owed. A banker who negotiated a bill lodged with him under the circumstances stated by Mr. GURNEY, intending to defraud the depositor, would undoubtedly fall within the 2nd section of the Bill.

Mr. WALPOLE would suppose that a banker received from his customer £1,000 across the counter, knowing that he was to break at the end of that day. He would also suppose that he appropriated that £1,000 to his own use, and stopped payment on the following day. The question he wished to ask was, whether the reception of the money and the appropriation of it to his own use would or would not be an offence within the meaning of the Bill?

The ATTORNEY-GENERAL replied that it would not. The offence of the banker in the case supposed would consist in the concealment of his insolvency, but that concealment was not described as a crime within the meaning of the Bill.

The clause as amended was agreed to.

The CHAIRMAN was then ordered to report progress.

### ELECTION PETITIONS BILL.

Mr. ADDERLEY moved the second reading of this Bill. He said, the Bill was brought in to check the practice of wholesale fraudulent election petitions, which, under cover of the privileges of the House, contained a number of roving, loose accusations made by low attorneys and agents, who knew that there was no truth in the allegations, and that they were in fact baseless slanders. The provisions of the present Bill were drawn by Mr. Rickards some years ago, under the eye, and with the approval of the late Speaker; and yet, with such a grievance and scandal, the Attorney-General was prepared to object to the second reading of the Bill. He saw who was at the bottom of this opposition; it was Mr. Coppock himself. He would notoriously be injured by this Bill, but the character of the House would be sustained by the attempt to remedy such an abuse as now existed.

The ATTORNEY-GENERAL heartily concurred in the object contemplated, but did not think the provisions proposed would tend to promote it. Indeed, the silly machinery by which it was sought to carry out that object would only make the House the laughing stock of the world. He moved the adjournment of the debate.

This motion was afterwards withdrawn, and the second reading fixed for Monday next.

*Monday, June 29.*

### MARRIED WOMEN'S REVERSIONARY INTEREST BILL.

This Bill was read a third time and passed.

### ELECTIONS PETITION BILL.

Mr. ADDERLEY moved the second reading of this Bill, the object of which, he said, was to prevent collusive presentations and withdrawals of election petitions. It had five clauses: the first and fifth of which contained one provision; and the second, third, and fourth another. The first provision was, that an affidavit should be taken by every petitioner and his agent, both on presenting and withdrawing a petition, that, in their belief, there were good grounds for so doing. The second provision was, that no election petition should be withdrawn without the leave of the House. In exceptional cases the House might refer the petition to the examiners of recognisances to make inquiry as to the grounds of withdrawal, and on his report might refer all the petitions which he thought should not be withdrawn to one select committee. It was objected that the Bill would lead to an unnecessary multiplication of oaths, but the affidavit proposed to be taken was the same that was already taken in courts of law—viz. an affidavit of merits. With regard to the second part of the Bill, it was objected that the House ought not to delegate its functions to any officer; but, in point of fact, that functionary had only to report, the House being at liberty to take what course it pleased in the matter.

The CHANCELLOR OF THE EXCHEQUER did not think the House would be justified in going into committee on the Bill, unless there was some prospect of moulding it into an unobjectionable shape, of which he saw little probability. The security

afforded by affidavit would be worth nothing; for these oaths would come to be taken just as a matter of course. The next part of the Bill seemed to be still more objectionable. At present, a petitioner was allowed to withdraw his petition, which on the whole was favourable to the member petitioned against; but the third clause proposed that he should not be allowed to withdraw it without the consent of the House; and that if the House refused the permission, then the petitioner should be compelled to prosecute the petition at his own expense. What success could be expected from a petition prosecuted by a reluctant petitioner at his own expense and against his will? The effect of the Bill would be to leave the practice just as it was at present; and therefore he moved that the Bill be read a second time that day three months.

Mr. MALINS asked whether, it being admitted that election petitions were grossly abused, such a state of things ought to be allowed to continue unchecked. He thought, where a man made charges against a member of that House, he ought to be prepared to swear to their truth. It was not a new principle to require parties to swear to their belief in the charges they made, as in the Court of Chancery there were some bills which could not be filed without such affidavit. The right hon. gentleman had said there would be great inconvenience to the House in requiring its sanction to the withdrawal of petitions; but there was no necessity that such sanction should be given by the whole House. There might be a standing committee for that purpose. He believed the Bill would be eminently useful in preserving the dignity of the House, in suppressing unjust charges, and in preventing the gross jobbery of Parliamentary agents.

Mr. WYLD had reason to complain of the loose state of the law on this subject. A person presented a petition against his return, but shortly afterwards withdrew it, his only object being to use the Parliamentary petition machinery as a means of advertising himself as a boot and shoe maker.

The Bill was read a second time.

*Tuesday, June* 30.

REGISTRATION OF TITLES.

In answer to Mr. GREER,

The ATTORNEY-GENERAL said, that the report of the Commissioners appointed to consider the subject of the registration of titles to property in land was not presented to her Majesty until four or five weeks ago. It was thought desirable that that report should be circulated, and that the criticisms of the profession thereon should be obtained, before steps were taken to embody the recommendations of the Commissioners in a Bill. He trusted, however, that there would still be time to bring in a Bill in accordance with the Report of the Commissioners, before Parliament was prorogued, not for discussion in the present session, but to lie on the table for consideration until next year.

*Thursday, July* 3.

THE STATUTE LAW COMMISSION.

Mr. LOCKE KING rose to call attention to the large sums of public money which have been expended by the Criminal and Statute Law Commissioners without the consolidation of any branch of the criminal or statute law; and moved "that an humble address be presented to her Majesty, praying her Majesty to dispense with the present Statute Law Commission."

Sir F. KELLY defended the Commission, and said that there was no reason to doubt, that, in some eighteen months or two years from this time, the whole statute law of England—and he hoped he might add of Ireland and Scotland—would be completely consolidated.

Mr. NAPIER considered that no good would be effected until the Department of Justice was established.

The ATTORNEY-GENERAL said, there was no subject on which he felt more anxious, or on which he held himself more pledged, than with regard to the undertaking entered into by the Government to carry out the formation of a Department of Public Justice. He had prepared plans with considerable care for that object, great part of which were now undergoing examination by her Majesty's Government. He hoped that the scheme would be sufficiently matured to be made public before the end of the session.

Lord J. RUSSELL was willing to give the Government further time to proceed with this Statute Law Commission. With regard to the Department of Public Justice, he thought it would be attended with considerable expense to the country, but that might be saved by abolishing that useless office, the Lord-Lieutenancy of Ireland.

After a few words from Mr. HADFIELD, condemnatory of the unsatisfactory state of the law, the motion was negatived.

ATTORNEYS AND SOLICITORS (COLONIAL COURTS) BILL.

This Bill was read a second time.

SUMMARY PROCEEDINGS BEFORE JUSTICES OF THE PEACE BILL.

On the motion of Mr. MASSEY, this Bill was read a second time.

MUNICIPAL CORPORATIONS BILL.

This Bill was also read a second time, on the motion of Mr. MASSEY.

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PRIVATE BILLS.—(*From a Correspondent*).

The sudden rejection of the Nene Valley Drainage Bill—the consideration of which promised to outrun the period allowed for second reading in the Lords—and the conclusion of the Mersey Conservancy Case by the Liverpool Committee, may be said to have wound up the private business.

Sir James Graham's elaborate decision on the Mersey Bill clearly shows, that, however unpalatable the result may be to the Corporation of Liverpool, the Committee have fully grappled with all the facts and intricacies of the case. As the decision amounts to the confiscation of a great part of the revenues of one of the oldest corporations in the world, we will give the heads of it:—Sir James stated that the opinion of the Committee was, that the House of Commons had recognised the principle of the Bill by passing the second reading; that it was the opinion of the Committee that the docks should be vested in some public body; that the rates and dues arising from shipping should be spent on improvement of the port, and not on the town of Liverpool; they further decided, that the qualification of trustees of the interests of the port should be payment of shipping dues and a residence within ten miles of Liverpool; that this qualification should not apply to those trustees who should be appointed Conservators of the Mersey; that the Birkenhead Dock Estate should be transferred to the Dock Trust, together with the powers for execution of works already authorised, and the debts of that body. This memorable struggle, in which the Committee have dealt with and sifted the evidence of eleven years given before Parliament, has been principally occasioned by the Manchester party. The quarrel between Manchester and Liverpool for many years has been, that Manchester imports and exports at Liverpool, which have formed a considerable portion of the commerce of that port, have been heavily taxed for payment of dues which have been expended on the town of Liverpool. The Corporation of Liverpool are not likely to give up their rights, and, what is of much more importance, £100,000 per annum—at which figure they place their loss—without another shot; so Sir James Graham's decision will probably have to pass through the fire at every stage in Lords and Commons.

The East Kent Company had a farewell contest with the South-Eastern Railway Company on the third reading of their Bill in the Commons, without success. The House, after a long discussion, passed the Bill without a division.

The Bills are fast accumulating in the House of Lords, and the opposed Committees will shortly be taken.

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ELECTION COMMITTEES.—(*From a Correspondent.*)

The first six Election Committees commenced their sittings on the Friday and Saturday of last week respectively. As a general rule, one case is pretty much the same as another, being nothing more than the oft-told tale of the swindling, perjury, and dishonesty which are peculiar to our constituencies, and which, like the cholera, or any other epidemic, come upon us periodically. There are, however, some novel features in the present session, particularly in the Pontefract case, in which Mr. Oliveira, the late member, is one of the petitioners against the present member, on the ground of *bribery* and *corruption*. Mr. Oliveira was the first witness, and, in order to prove his case, gave the committee a history of his own election in 1852, stating that he paid £6,000 to get into Parliament, about £4,000 previously to taking his seat, and subsequently £2,000, to compromise with parties who had petitioned against him. There was a distinct understanding that he was to have a "quasi return-ticket," or, in other words, be returned this time for nothing; but Mr. Oliveira was credulous, and the people of Pontefract had itching palms, "*hinc illæ lachrymæ*." Mrs. Oliveira appeared in the box, and gave an account of her stewardship as her husband's agent.

*Friday*, 6 P.M.—The Pontefract committee had decided in favour of the sitting member, and counsel were addressing the committee in support of a report that Mr. Oliveira's petition was frivolous and vexatious.

MAYO.—The Mayo petition possibly stands first on the list in

a political point of view, as the question at issue discloses the story of a split in the Roman Catholic camp in Ireland. Col. Higgins, the late, and now unsuccessful, member, belongs to one of the first Roman Catholic families in Ireland, and is a repudiator of the ultra-montane school. Hence the wrath of Father Conway, who, from the evidence, appears to have conducted the election, and not content with cursing the Colonel at the altar, and informing his congregation that he would sooner vote for a certain person, who shall be nameless, than for Higgins, headed an onslaught on the Colonel, and on other of the voters proceeding to the poll. The greatest excitement was manifested on Thursday and Friday pending the examination of the titular Archbishop of Tuam, Dr. M'Hale, whose memory displayed the most wonderful powers of retention and of forgetfulness, according to the questions put to him. The case is likely to last some time longer. The case of the petitioners was concluded yesterday, Friday.

TEWKESBURY.—The committee met yesterday (Friday) hereon, and made short work of it. They sat at eleven, and finished the case—one of bribery and corruption—in the course of the day, by seating the present member, Mr. Martin.

The WAREHAM case was decided by the committee reporting two cases of bribery by the sitting member's agent, and one case of a voter being sent away; in all they struck off eight votes, but decided that Mr. Calcraft was duly elected, inasmuch as the acts of bribery were not proved to have come to his knowledge.

The ROCHDALE case lost some of its interest, owing to the excitement caused by the Secret Committee on Mr. Newal's petition relating to the "spiriting away" of witnesses. Much evidence of the usual kind was gone into, which does not reflect any credit on the enlightened constituents, as the committee reported three cases of bribery, and added to their report "that the evidence was so contradictory and unsatisfactory, that the committee feel that very little reliance can be placed upon it." In the Rochdale case, as in the Wareham, the committee have reported that no evidence was given which could fix the sitting member with knowledge of the bribery; so the hon. member, Sir A. Ramsay, remains undisturbed.

MARLBOROUGH.—The committee decided in this case that Mr. Baring is duly qualified to serve. The objection taken was, that the sitting member was a shareholder in a joint-stock company (the Royal British Bank), against which judgments to the amount of £70,000 were registered, and for which he was legally liable. The committee decided in favour of Mr. Baring's qualification.

## Birth, Marriages, and Deaths.

BIRTHS.

ABRAHAMS—On June 25, at 27 Oxford-terrace, Hyde-park, the wife of Michael Abrahams, Esq., Solicitor, of a daughter, stillborn.

BOWER—On June 25, at Mecklenburg-street, Mecklenburg-square, the wife of Mr. A. P. Bower, of a daughter.

DAVIES—On July 2, at 3 Dartmouth-villas, Forest-hill, the wife of Henry Davies, Esq., of 22 Buckingham-street, Strand, Solicitor, of a daughter.

HOOPER—On June 27, at 18 Bedford-circus, Exeter, the wife of Henry Wilcocks Hooper, Esq., Solicitor, of a daughter.

JONES—On June 25, the wife of Mr. Richard Jones, of Chester-place, Kennington, and St. Martin's-lane, Solicitor, of a son.

MARRIAGES.

COMBS—PHILCOX—On June 23, at the parish church, Burwash, Sussex, by the Rev. J. Gould, rector, assisted by the Rev. G. L. Towers, James W. Combs, Esq., surgeon, Burwash, youngest son of J. H. Combs, Esq., of Laurence Pountney-hill, London, to Louisa, only daughter of James Philcox, Esq., Solicitor, Burwash.

DEATHS.

GILBERT—On June 14, of disease of the heart, at his residence, Kentish-town, Mr. Edward Webb Gilbert, compiler of "Law Costs," in his 64th year.

OSBORNE—On June 5, after a severe illness, at his residence, in Otterville, Canada West, deeply regretted and respected by all who knew him, William P. Osborne, Esq., Solicitor, late of the firm of Wilson and Osborne, Solicitors, Simcoe, where his remains were interred on the Monday following, aged 37.

SABEN—On June 28, Bertram, infant son of Henry Saben, Esq., of Fenton, in the county of Stafford.

WALMISLEY—On June 29, at Bromley, Kent, Miss Elizabeth Walmisley, eldest daughter of the late William Walmisley, Esq., one of the Chief Clerks of the House of Lords.

WHITE—On June 22, at Doneraile, county of Cork, after a lingering illness, James Grove, the beloved child of Charles T. White, Esq., Barrister-at-law, in her 6th year.

## Unclaimed Stock in the Bank of England.

*The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—*

BARCHARD, JOSEPH HENRY, Putney, Surrey, Esq., and HENRY LEWIS SMALE, Doctors'-commons, Esq., £68 : 7 : 3 New 3 per Cents.—Claimed by HENRY LEWIS SMALE, the survivor.

BROOKE, Rev. JOHN KENWARD SHAW, Eltham, Kent, and EDWARD WARNER, Rood-la., Esq., £50 Consols.—Claimed by EDWARD FITZHERBERT GRANT, and GEORGE WARNER, acting executors of EDWARD WARNER, the survivor.

BROWN, Rev. THOMAS, Connington, Cambridge, CHRISTOPHER PEMBERTON, Cambridge, Solicitor, and ELIZABETH ANN HATTON, Hertford, spinster, £333 : 6 : 8 Reduced.—Claimed by CHRISTOPHER ROBERT PEMBERTON and Rev. STANLEY PEMBERTON, acting surviving executors of CHRISTOPHER PEMBERTON, deceased, the survivor.

CALTHORPE, Right Hon. GEORGE, Lord Hon. FREDERICK GOUGH CALTHORPE, FREDERICK HENRY WILLIAM GOUGH CALTHORPE, and AUGUSTUS CHOLMONDELEY GOUGH CALTHORPE, all of Elvetham, Hants, £700 Old South Sea Annuities.—Claimed by Right Hon. FREDERICK Lord CALTHORPE (formerly FREDERICK GOUGH CALTHORPE), FREDERICK HENRY WILLIAM GOUGH CALTHORPE, and AUGUSTUS CHOLMONDELEY GOUGH CALTHORPE, the survivors.

GILSON, SAMUEL, Portman-square, servant to the Earl of BEVERLEY, £138 : 6 : 2 Consols.—Claimed by SAMUEL GILSON.

HONYWOOD, WILLIAM, Isleworth-house, Middlesex, Esq., and JOHN WILKINSON, of Lincoln's-inn, Gent., deceased, £31 : 15 : 7 New 3 per Cents.—Claimed by WILLIAM HONYWOOD, the survivor.

JOYCE, SARAH, Titchfield, Hants, spinster, £343 : 11 : 11 New 3 per Cents.—Claimed by JAMES JOYCE, administrator.

MONSON, THOMAS, Hon. and Rev., Bedale, Yorkshire, and TIMOTHY HUTTON, Clifton Castle, Bedale, Esq., £190 Consols.—Claimed by TIMOTHY HUTTON, the survivor.

PEEL, JOHN, Burton-upon-Trent, Staffordshire, Esq., £20 : 19 : 3 New 3 per Cents.—Claimed by JOHN PEEL, acting executor.

PONSONBY, Right Hon. FREDERICK, Earl of BESSBOROUGH, and Right Hon LAURENCE, Earl of ZETLAND, £552 : 3 : 9 Consols.—Claimed by Right Hon. JOHN GEORGE BRABAZON PONSONBY, Earl of BESSBOROUGH, administrator de bonis non of Right Hon. FREDERICK PONSONBY, Earl of BESSBOROUGH, the survivor, deceased.

## Money Market.

CITY, FRIDAY EVENING.

The English Funds and the Money Market have been less disturbed than was expected by the disastrous intelligence from Bengal. The demand for money is more easy at the conclusion of the week than at the beginning, and is well supplied. The fluctuation in the English Funds during the month of June has been rather less than one per Cent. The French 3 per Cents. suffered gradual and material depression on Monday, Tuesday, and Wednesday, since which a recovery has taken place. In other important Foreign Securities the fluctuation has been very small. The meeting of the Directors of the Bank of England yesterday closed without any alteration taking place in the rate of discount, by which the expectations entertained in many quarters were disappointed. Notice is issued that payment to the public of the July dividends at the Bank, and of the life annuities at the National Debt Office will commence on Wednesday next. From the Bank of England return for the week ending the 27th June, 1857, which we give below, it appears that the amount of notes in circulation is £19,142,700, being an increase of £338,875, and the stock of bullion in both departments is £11,378,872, showing an increase of £206,010 when compared with the previous return.

The total amount of silver expected to be shipped to India and China by the mail of to-morrow from London and Marseilles is £1,000,000. As the East India Company have lowered their rate of premium on Bills, the demand for specie is likely to become less active. Other measures, causing a large outlay here on East India account, have a similar tendency.

The monthly returns of the Board of Trade show again a wonderfully large increase. The increase in the declared value of exports for the month of May, compared with the corresponding month of the year 1856, is £2,648,904. The increase month by month is truly surprising, both in regularity and amount. The figures for the month, and for the five months ending with May, are as follows:—

DECLARED VALUE OF EXPORTS.

| | Month of May. | Five Months. |
|---|---|---|
| | £ | £ |
| 1855 | 8,049,246 | 34,943,727 |
| 1856 | 8,733,300 | 43,307,329 |
| 1857 | 11,382,204 | 50,195,541 |

Business continually increasing to such an extent, occasions an increasing demand for capital, and serves to explain and account for the demand for money. The largest augmentation is in cotton goods, next follow woollens, and then machinery and iron and steel.

The Manchester, Sheffield, and Lincolnshire Railway Company have made an arrangement in conjunction with the Great Northern Company, to open a new route from Manchester to London, *viâ* Sheffield, which threatens an active competition with the London and North Western Railway, the additional distance being no more than eight miles.

## Bank of England.

AN ACCOUNT, PURSUANT TO THE ACT 7TH AND 8TH VICTORIA, C. 32, FOR THE WEEK ENDING ON SATURDAY, THE 27TH DAY OF JUNE, 1857.

ISSUE DEPARTMENT.

| | £ | | £ |
|---|---|---|---|
| Notes issued | 25,179,250 | Government Debt | 11,015,100 |
| | | Other Securities | 3,459,900 |
| | | Gold Coin and Bullion | 10,704,250 |
| | | Silver Bullion | ... |
| | £25,179,250 | | £25,179,250 |

BANKING DEPARTMENT.

| | £ | | £ |
|---|---|---|---|
| Proprietors' Capital | 14,553,000 | Government Securities (incl. Dead Weight Annuity) | 10,327,222 |
| Rest | 3,368,670 | Other Securities | 18,987,886 |
| Public Deposits (including Exchequer, Savings' Banks, Commissioners of National Debt, and Dividend Accounts) | 8,243,237 | Notes | 6,036,550 |
| Other Deposits | 9,184,352 | Gold and Silver Coin | 674,622 |
| Seven day & other Bills | 677,021 | | |
| | £36,026,280 | | £36,026,280 |

Dated the 2nd day of July, 1857 M. MARSHALL, Chief Cashier.

## English Funds.

| ENGLISH FUNDS. | Sat. | Mon. | Tues. | Wed | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Bank Stock | 212½ 13 | 214 12½ | ... | 213½ | 213 | 213½ |
| 3 per Cent. Red. Ann. | 92⅝ ⅜ ⅝ | 92⅝ ⅜ ⅝ | 92⅝ ½ ⅜ | 92⅝ ⅜ | 92⅝ ⅜ ½ | 92⅝ |
| 3 per Cent. Cons. Ann. | shut | shut | shut | shut | shut | shut |
| New 3 per Cent. Ann. | 92½ ⅜ | 92⅝ ½ ⅜ | 92⅝ ½ ⅜ | 92⅝ ½ ⅜ | 92⅝ ⅜ ½ | 92⅝ |
| New 2½ per Cent. Ann. | ... | ... | ... | ... | ... | ... |
| 5 per Cent. Annuities | ... | ... | ... | ... | ... | ... |
| Long Ann. (exp. Jan. 5, 1860) | ... | ... | 2 7-16 | ... | 2⅛ | ... |
| Do. 30 years (exp. Oct. 10, 1859 | ... | ... | ... | ... | ... | ... |
| Do. 30 years (exp. Jan. 5, 1860) | ... | ... | ... | ... | ... | ... |
| Do. 30 years (exp. Apr. 5, 1885) | ... | 18 1-16 | ... | 18⅛ | 18 1-16 | 18 1-16 |
| India Stock | ... | ... | ... | ... | ... | ... |
| India Bonds (£1,000) | ... | 7s. dis. | ... | ... | 12s. dis. | ... |
| Do. (under £1,000) | 10s. dis. | 5s. dis. | ... | ... | ... | 6s. dis. |
| Exch. Bills (£1,000) Mar. | 8s. dis. | 3s. dis. | 2s. dis. | 6s. dis. | 1s. dis. | par |
| June | ... | ... | ... | ... | ... | ... |
| Exch. Bills (£500) Mar. | 5s. dis. | 10s. dis. | ... | 6s. dis. | 1s. dis. | par |
| June | ... | ... | ... | ... | ... | ... |
| Exch. Bills (Small) Mar. | 8s. dis. | 2s. dis. | ... | 6s. dis. | 5s. dis. | par |
| June | ... | ... | ... | ... | ... | ... |
| Exch. Bills Advertised | ... | ... | ... | ... | ... | ... |
| Exch. Bonds, 1858, 3½ per Cent. | 98⅝ | ... | 98⅞ ⅝ | 98⅝ ⅞ | ... | ... |
| Exch. Bonds, 1859, 3½ per Cent. | ... | ... | 98⅝ | 98⅞ | ... | ... |

## Insurance Companies.

| | |
|---|---|
| Equity and Law | 6 |
| English and Scottish Law | 4½ |
| Law Fire | 4½ |
| Law Life | 62 |
| Law Reversionary Interest | 19 |
| Law Union | par |
| Legal and Commercial | par |
| Legal and General Life | 6½ |
| London and Provincial | 3 |
| Medical, Legal, and General | par |
| Solicitors' and General | par |

## Railway Stock.

| Railways. | Sat. | Mon. | Tues. | Wed. | Thur | Fri. |
|---|---|---|---|---|---|---|
| Bristol and Exeter | ... | ... | ... | ... | ... | 92 |
| Caledonian | 74⅜ | ... | ... | ... | 74⅞ | 75½ |
| Chester and Holyhead | ... | ... | ... | ... | 36 | ... |
| East Anglian | 19⅝ | ... | ... | 20½ | ... | ... |
| Eastern Union A stock | ... | ... | ... | ... | ... | ... |
| East Lancashire | ... | ... | ... | ... | 97½ | ... |
| Edinburgh and Glasgow | ... | ... | ... | ... | ... | ... |
| Edin., Perth. & Dundee | 34¼ ⅜ | ... | 34⅜ | 34⅜ ¼ | ... | ... |
| Glasgow & South Western | ... | ... | ... | ... | ... | ... |
| Great Northern | 99½ 8⅝ | ... | 99 | ... | 99 | 99½ |
| Gt. South & West. (Ire.) | 104⅜ | ... | ... | ... | ... | 104½ |
| Great Western | 64⅝ ¼ | 64½ | 64⅝ ½ | ... | 65 4⅜ | 64½ |
| Lancashire & Yorkshire | 100 | 100½ ¼ | 100⅝ ⅛ | 100½ | 100½ | 100⅜ |
| Lon., Brighton, & S. Coast | ... | 113¾ | ... | ... | 112½ 13 | ... |
| London & North Western | 103⅛ ⅜ ⅝ | 103¼ 3 | 103⅛ ⅜ | 102⅝ ¼ | 103⅜ ⅛ | 103⅜ |
| London and S. Western | 101½ ¼ | ... | 102 | 101½ 2 | 102 | 102 |
| Man., Shef., and Lincoln | 43⅜ 4 | 44½ | 44½ | 44¼ 4 | 44⅜ | 45 |
| Midland | 83½ ¼ | 83⅜ ½ | 83½ | 83½ ⅜ | 83⅜ | 83⅜ |
| Norfolk | ... | ... | ... | 63 | ... | ... |
| North British | 43 | 43½ | ... | ... | ... | ... |
| North Eastern (Berwick) | 92 | 92 1⅛ | 92 | 91⅛ | 92⅛ | 92⅜ |
| North London | ... | ... | 97½ | ... | ... | ... |
| Oxford, Worc. & Wolv. | 32½ 3 | ... | ... | 33½ | ... | 34 |
| Scottish Central | ... | ... | ... | ... | ... | ... |
| Scot.N.E. Aberdeen Stock | 24⅜ | ... | ... | 25½ | ... | ... |
| Shropshire Union | ... | 49 | ... | ... | 48½ | ... |
| South-Eastern | ... | 75 | 74⅛ ⅜ | ... | 74⅛ ¼ | 74⅜ |
| South-Wales | 89½ | ... | 89⅛ | 89½ | ... | 89½ |

# London Gazettes.

## NEW MEMBER OF PARLIAMENT.

FRIDAY, *July* 3, 1857.

*County of Banff.*—Lachlan Duff Gordon Esq., of Park, Co. Banff *vice* James, Earl of Fife.

## PERPETUAL COMMISSIONER TO TAKE ACKNOWLEDGMENTS OF MARRIED WOMEN.

FRIDAY, *July* 3, 1857.

THOMAS ANDREWS, of Bagshot, Surrey, Gent.—*May* 22.

## Bankrupts.

TUESDAY, *June* 30, 1857.

BATE, RICHARD, Wine and Spirit Merchant, Shrewsbury. July 13 and Aug. 3, at 10.30; Birmingham. *Com.* Balguy. *Off. Ass.* Christie. *Sols.* Pidcock, Worcester; or Watkins, Worcester; or E. & H. Wright, Birmingham. *Pet.* June 26.

BRAMWELL, JAMES, Grocer, Glossop, Derby. July 14 and Aug. 4, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Brooks & Marshall, Ashton-under-Lyne. *Pet.* June 23.

CAMERON, HUGH INNES, Sheep Salesman, 1 Hyde-pk.-gate, Kensington-gore. July 16, at 1.30, and Aug. 13, at 11; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Linklaters & Hackwood, 17 Size-la., Bucklersbury. *Pet.* June 23.

CROFTS, JOSEPH, Builder, Walsall. July 11 and 31, at 11.30; Birmingham. *Com.* Balguy. *Off. Ass.* Whitmore. *Sols.* Duignan & Hemmant, Walsall. *Pet.* June 25.

GOMER, RICHARD, Dealer in Fancy Goods, Castle-st., Dudley, Worcestershire. July 11 and 31, at 11.30; Birmingham. *Com.* Balguy. *Off. Ass* Whitmore. *Sols.* Smith, Horsley-heath, Tipton; or Knight, Birmingham. *Pet.* June 27.

HOLLAND, HENRY, Builder, Leyland, Lancashire. July 16 and Aug. 6, at 12; Manchester. *Off. Ass.* Hernaman. *Sols.* Stanton & Jones, Chorley; or Taylor, Manchester. *Pet.* June 25.

MARSDEN, ANTHONY, & WILLIAM MARSDEN (Marsden Bros.), Shawl and Mantle Warehousemen, High-st., Islington. July 15, at 12, and Aug. 10, at 1.30; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Nicholson. *Sols.* Reed, Langford, & Marsden, 59 Friday-st., Cheapside; or Sole, Turner, & Turner, Aldermanbury. *Pet.* June 23.

MYCROFT, SAMUEL, Butcher, Worksop, Notts. July 11 and Aug. 8, at 10; Sheffield. *Com.* West. *Off. Ass.* Brewin. *Sols.* Broadhurst & Hodding, Worksop. *Pet.* June 27.

PRUDAY, THOMAS DANSON, Tavern-keeper, Clanricarde Tavern, 3 and 7 Rupert-st., Haymarket (carrying on business with Charles Thomas Moon at the same place). July 14, at 1.30, and Aug. 5, at 11; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers, Old Jewry. *Pet.* June 26.

SANSBURY, THOMAS STOYLES, Dealer in Hemp, 24 Mark-la., and Seething-la. July 10, at 2, and Aug. 14, at 11; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Lloyd & Rule, 26 Milk-st., Cheapside. *Pet.* June 26.

TIBBIT, WILLIAM HENRY, Oil and Colourman, 36 Old-st., St. Luke's. July 10 and Aug. 14, at 1.30; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Selby, 15 Coleman-st. *Pet.* June 24.

FRIDAY, *July* 3, 1857.

BEAUMONT, MATTHEW SHEARD, Corn and Flour Dealer, Huddersfield, Yorkshire. July 17 and Aug. 7, at 11; Leeds. *Com.* West. *Off. Ass.* Young. *Sols.* Floyd & Learoyd, Huddersfield; or Bond & Barwick, Leeds. *Pet.* July 2.

BULLOCK, THOMAS, Grocer, late of Liphook, Bramshott, Hants; now residing at Ripsley Farm, Trotton, Sussex. July 15 and Aug. 5, at 12; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sols.* Rogerson & Ford, 31 Lincoln's-inn-fields. *Pet.* June 27.

ELLISON, JOHN, Warehouseman, 56 Bread-st., Cheapside, and 75 Harley-st., Cavendish-sq. (where he has also used the name of John Endersöhn). July 14, at 2, and Aug. 12, at 11; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sols.* Reed, Langford, & Marsden, 59 Friday-st., Cheapside. *Pet. for arrangement* June 23.

FAULKNER, CHARLES, Haberdasher, Birmingham. July 16, at 11.30, and Aug. 6, at 10.30; Birmingham. *Com.* Balguy. *Off. Ass.* Christie. *Sol.* Harding, Birmingham. *Pet.* July 2.

HILL, JOSEPH, Cordwainer, Chester. July 22, and Aug. 12, at 11; Liverpool. *Com.* Perry. *Off. Ass.* Cazenove. *Sol.* Pemberton, 13 Cable-st., Liverpool. *Pet.* June 29.

HOLDEN, JOHN, Cotton Spinner, Belmont, near Bolton-le-Moors, Lancashire. July 21 and Aug. 24, at 12; Manchester, *Off. Ass.* Fraser. *Sols.* Cooper & Sons, Manchester. *Pet.* June 26.

HOLMES, THOMAS, Bookseller, 76 St. Paul's-churchyard. July 15 and Aug. 19, at 2; Basinghall-st. *Com.* Fonblanque. *Off. Ass.* Stansfeld. *Sols* Turnley & Luscombe, 38 Cannon-st., City. *Pet. for Arrangt.* June 12.

JENKINS, ROBERT, Farmer, Abergele, Denbighshire. July 13 and Aug. 10. at 11; Liverpool. *Com.* Perry. *Off. Ass.* Cazenove. *Sol.* Dodge, Liverpool. *Pet.* June 22.

JOHNSON, JOHN, Contractor and Ironfounder, Crook, Durham. July 10, at 11, and August 13, at 12; Royal Arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Off. Ass.* Baker. *Sols.* Hepple & Proud, Bishop Auckland; or Story, Newcastle-upon-Tyne. *Pet.* June 20.

M'NAUGHT, ROBERT, Linendraper, Bushey-heath, Herts. July 16, at 2, and Aug. 14, at 1; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Lindus, 5 South-sq., Gray's-inn. *Pet.* July 1.

SPENCER, WILLIAM, Grocer, High-st., Holywell, Flintshire. July 17 and Aug. 7, at 11; Liverpool. *Com.* Stevenson. *Off. Ass.* Turner. *Sol.* Eyton, Flint. *Pet.* June 30.

## BANKRUPTCY ANNULLED.

FRIDAY, *July* 3, 1857.

COOK, THOMAS, Boot and Shoe Maker, Thorpe-le-Soken, Essex.

## MEETINGS.

TUESDAY, *June* 30, 1857.

FOX, JOHN, Scrivener, Ashbourne, Derbyshire. July 28, at 10.30; Nottingham. *Com.* Balguy. *Choice of Assignee.*

HEGINBOTTOM, WILLIAM HOWARD, Hosier, Manchester. July 23, at 12; Manchester. *Com.* Skirrow. *Div.*

HOLDEN, JOHN, Money Scrivener, Liverpool. July 21, at 11; Liverpool. *Com.* Perry. *Div.*

HORNER, THOMAS, House Decorator, 15 Hart-st., Bloomsbury. July 22 (and not 8th, as advertised in last Friday's *Gazette*), at 12; Basinghall-st. *Com.* Goulburn. *Div.*

LOWE, JOHN, Merchant, Manchester. July 22, at 12; Manchester. *Com.* Jemmett. *Fur. Div.*

PEPPER, WILLIAM JOHN, Printer, Coventry, Warwickshire. July 22, at 11.30; Birmingham. *Com.* Balguy. *Div.*

RICHARDSON, GEORGE DAVY, Ironfounder, Carlisle. July 23, at 1; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Div.*

SELLERS, GEORGE HENRY (trading with Hugh Spooner Sands, under firm of G. H. Sellers & Co.), Rumford-pl., Liverpool, and also late of Beaver-st., New York, America, now of 1A Westbourne-pk.-rd., Paddington, Merchant. July 13, at 1; Basinghall-st. *Com.* Goulburn. *Last Ex.*

SEVILLE, JOSEPH, Cotton Cloth Manufacturer, Salford, Lancashire. July 22, at 12; Manchester. *Com.* Jemmett. *Fur. Div.*

TAYLOR, ROBERT, Draper, Sunderland. July 24, at 11.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Second Div.*

WOODHOUSE, JAMES THOMAS, Scrivener, Leominster, Herefordshire. July 22, at 11.30; Birmingham. *Com.* Balguy. *Div.*

YOUNG, ROBERT SWAN, Tea Dealer, West Hartlepool, Durham. July 10, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. (*By adj.* from June 10) *Last Ex.*

FRIDAY, *July* 3, 1857.

BENNING, WILLIAM (William Benning & Co.), Law Bookseller, Fleet-st. July 24, at 1.30; Basinghall-st. *Com.* Fane. *Div.*

BINNS, GEORGE, & GODFREY BINNS, Cloth Manufacturers, Hartshead Moor, Cleckheaton, Birstal, Yorkshire, carrying on business at Popplewell Mill, Scholes. July 24, at 11; Leeds. *Com.* West. *Div.* joint est. and sep. est. of G. Binns.

BINNS, JOSHUA, Cotton Manufacturer, Dukinfield, Cheshire. July 24, at 12; Manchester. *Com.* Skirrow. *Div.*

BLACKETT, WILLIAM WILKS, RICHARD THACKERAY, & ROBERT TENNANT, Cloth and Linen Merchants, Manchester. July 24, at 11; Leeds. *Com.* West. *Div.*

BULMER, WILLIAM, Grocer, Bedale, Yorkshire. July 24, at 11; Leeds. *Com.* West. *Div.*

CARR, WILLIAM RIDLEY, & THOMAS LAIDLER (Montague Coal Company), Coalowners, Denton, Northumberland. July 15, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Prf. Debts.*

CARR, WILLIAM RIDLEY, & HENRY FREDERICK SCOTT (John Carr & Co.), Iron Manufacturers and Coke Burners, Wallsend, Northumberland. July 15, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Prf. debts.*

CARTER, WILLIAM, Ironmonger, Leamington Priors, Warwickshire. July 29, at 10.30; Birmingham. *Com.* Balguy. *Div.*

EMMERSON, JOHN, East India Coffee House, 225 High-st., Poplar; and Licensed Victualler, Greengate, Plaistow, Essex. July 25, at 11; Basinghall-st. *Com.* Fane. *Div.*

GREIG, JOHN PETER M'MOKELAND, Cabinetmaker, 21 Bartlett's-bldngs., Holborn, and Wheatsheaf-yard, Farringdon-st. July 15, at 12; Basinghall-st. *Com.* Goulburn. *Prf. of debt* claimed by Official Manager of Royal British Bank.

HALL, HENRY, & CHESLYN HALL, Cattle Dealers, New Boswell-ct., Lincoln's-inn, and of Neasdon, Middlesex. July 25, at 11.30; Basinghall-st. *Com.* Fane, *Div.*

HARRISON, HENRY (Henry Harrison & Co.), Tailor, Sheffield. July 25, at 10; Sheffield. *Com.* West *Div.*

HATFIELD, JOHN ALFRED, Draper, Bradford, Yorkshire. July 24, at 11; Leeds. *Com.* West. *Div.*

HILLS, ELIZABETH, Coach Builder, Little Moorfields. July 24, at 12; Basinghall-st. *Com.* Fane. *Div.*

HIRST, GEORGE MILNES, GEORGE HIRST, & WILLIAM FREDERICK WILMAN, Manufacturers, Batley, Yorkshire. July 27, at 11; Leeds. *Com.* Ayrton. *Prf. of debts.* Sep. ests. of G. M. Hirst, G. Hirst, and W. F. Wilman; also of G. M. Hirst and W. F. Wilman.

KELL, JOSEPH, Grocer, Brierley-hill, Staffordshire. July 27, at 10.30; Birmingham. *Com.* Balguy. *Div.*

LAIDLER, THOMAS (John Carr & Co.), Coke Burner, Jarrow, Durham; in copartnership with J. Carr, Denton, Northumberland, Coalowner. July 15, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Prf. of debts.* Joint est. of J. Carr and T. Laidler.

M'KINNELL, FREDERICK, & GEORGE SMITH, Manufacturers of Waterproof and Airproof Fabrics, Liverpool, and Huyton Quarry. July 24, at 11; Liverpool. *Com.* Stevenson. *Div.*

MARKS, AARON, & NAHUM SALAMON, Merchants, Sheffield. July 25, at 10; Sheffield. *Com.* West. *Div.* joint est., and sep. est. of A. Marks.

REDFEARN, JOSEPH, Manufacturer, Thornhill, Yorkshire. July 28, at 11; Leeds. *Com.* Ayrton. *Div.*

ROSS, JOHN, Ship Owner, 5 Brunswick-ter., Commercial-rd. East. July 27, at 12.30. *Com.* Goulburn. *Div.*

SCAIFE, FRANCIS, Cutlery Manufacturer, Sheffield. July 25, at 10; Sheffield. *Com.* West. *Div.*

STACEY, THOMAS, Coal Master, Eckington, Derbyshire. July 27, at 12; Manchester. *Com.* Jemmett. *Div.*

TEALL, EDWARD, & REUBEN TEALL, Boat Builders, Leeds. July 24, at 11; Leeds. *Com.* West. *Div.*

THOMPSON, GEORGE, Leather Seller, Knaresborough, Yorkshire. July 24, at 11; Leeds. *Com.* West. *Div.*

VALLANCE, JOHN, Wine and Spirit Merchant, Sheffield. July 25, at 10; Sheffield. *Com.* West. *Div.*

WARWICK, CHARLES, Commission Agent, Manchester. July 24, at 11; Manchester. *Com.* Skirrow. *Div.*

WELSH, ROBERT, Woollen Cloth Merchant, Huddersfield, Yorkshire. July 24, at 11; Leeds. *Com.* West. *Div.*

WILLIAMS, EDWARD, Plumber, Saltney, Flintshire. July 16, at 12; Liverpool. *Com.* Stevenson. *Last Ex.*

WILLIAMSON, HENRY, Cloth Merchant, Leeds. July 24, at 11; Leeds. *Com.* West. *Div.*

WILLIFORD, WILLIAM, Wine and Spirit Merchant, Scarborough, Yorkshire. *Com.* West. *Div.*

## DIVIDENDS.

TUESDAY, *June* 30, 1857.

CHILDREN, GEORGE, Banker, Tonbridge, Kent. Eighth, 1*s.* 3*d.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

CHRISTIAN, HENRY, Coffee Merchant, 9 Mincing-la. First, 3*s.* 2*d.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

FRANGHIADI, GEORGE CONSTANTIN (C. Franghiadi Sons), Merchant, Gresham-house, Old Broad-st. First, 2*s.* 6*d.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

GEOGHEGAN, SLEATER, Engraver, 7 Palsgrave-pl., Strand. First, ¾*d.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

HANBURY, JONATHAN, Grocer, Mitfield-green, Brenchley, Kent. First, 6*s.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

HILL, JOHN BEECH, Glass and China Dealer, 254 Blackfriars-rd. First, 10*s.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

HOOK, SAMUEL, Paper Manufacturer, Tovil, Maidstone, Kent, and of Charlford, Stroud, Gloucestershire, Silk Thrower. Second, 10*d.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

LAWRENCE, JOSEPH THOMAS, Upholsterer, 93 Shoreditch. First, 2*s.* 11*d.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

PAUL, JOHN, Corn and Seed Merchant, Bedford, and 51 St. Mary-axe. First, 1*s.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

SIMPSON, STEPHEN DUMMER, Licensed Victualler, East Cowes-pk., Isle of Wight. First, 3½*d.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

STEPHENS, JOHN PROUT DAVIS (J. P. D. Stephens & Co.), 4 Brabant-ct., Philpot-la. First, 4*s.* 6*d.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

WHITESIDE, JOSEPH (Cousens & Whiteside), Watch and Clock Manufacturer, 27 Davies-st., Berkeley-sq. First, 1*s.* 8*d.* *Pennell*, 3 Guildhall-chambers, Basinghall-st.; any Tuesday, 11 and 2.

FRIDAY, *July* 3, 1857.

AYRES, ALFRED CHARLES, Surgeon and Apothecary, Ramsgate, Kent. First, 8*d.* *Stanefeld*, 10 Basinghall-st.; any Thursday, 11 and 2.

BUCKLAND, WILLIAM, Corn, Coal, and Hay Merchant, Ealing. First, 1*s.* 1½*d.* *Cannan*, 18 Aldermanbury; any Monday, 11 and 3.

GREENWOOD, JOSEPH, Woolstapler, Springhead, Keighley. First, 3*s.* *Young*, 5 Park-row, Leeds; any day, 10 and 1.

JACQUES & SELIG, Toy Dealers, Liverpool. First, 4*s.* 4*d.* joint est., and 20*s.* sep. est. J. A. Jacques. *Turner*, 53 South John-st., Liverpool; any Wednesday, 11 and 2.

NORTH, JOHN, Coal Dealer, Chesterfield. Second, 3*s.* 5½*d.* *Brewin*, 11 St. James's-st., Sheffield; any Tuesday, 11 and 2.

POTTER, SAMUEL, Livery Stable-keeper, 55 High-st., Marylebone. *First*, 3*s.* 1*d.* *Cannan*, 18 Aldermanbury; any Monday, 11 and 3.

TASKER & ANDUS, Potato Merchants, Selby. First, 9*s.* joint est.; and First, 20*s.* sep. est. W. Tasker. *Young*, 5 Park-row, Leeds; any day, 10 and 1.

TRIGGS, JAMES, WILLIAM TRIGGS, & EDWARD TRIGGS, Upholsterers, High-st., Southampton. Second, 1½*d.* *Cannan*, 18 Aldermanbury; any Monday, 11 and 3.

WIMPENNY, URIAH, Manufacturer, Holme-bridge. First, 3*s.* 4*d.* *Young*, 5 Park-row, Leeds; any day, 10 and 1.

## CERTIFICATES.

*To be* ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *June* 30, 1857.

BRADSHAW, JAMES, & AARON COLLINSON, Cotton Manufacturers, Burnley, Lancashire; on application of Aaron Collinson. July 23, at 12; Manchester.

CARRIER, THOMAS, General Dealer, Wolverhampton, Staffordshire. July 30, at 10; Birmingham.

ENTWISTLE, JONATHAN (otherwise ENTWISLE), Tailor, Bury, Lancashire (Prisoner for Debt in Lancaster Castle). July 22, at 12; Manchester.

PATRICK, SARAH, Butcher, Worcester. July 30, at 10.30; Birmingham.

STRAUS, LEOPOLD, Corn Merchant, 37 Fenchurch-st., London, and 21 Rue du Bouloi, Paris. July 21, at 2.30; Basinghall-st.

WARD, GEORGE, Licensed Victualler, Liverpool. July 23, at 11; Liverpool.

WITHERS, WILLIAM SHELDON, Miller, Mansfield, Notts. July 28, at 10.30; Nottingham.

FRIDAY, *July* 3, 1857.

BROOKES, EBENEZER, Spring-knife Manufacturer, Sheffield. July 25, at 10; Sheffield.

CROWTHER, ANTHONY, & WILLIAM CROWTHER, Curriers, Huddersfield. July 24, at 11; Leeds.

EBSWORTH, THOMAS RILEY, Ale and Beer Merchant, 66 Wapping-wall, and 2 Forest-vil., Forest-hill, Sydenham. July 24, at 11.30; Basinghall-st.

HARRISON, HENRY (Harrison & Co.), Tailor, Sheffield. July 25, at 10; Sheffield.

HUDDLESTON, MARY, & THOMAS HUDDLESTON, Cabinetmakers, formerly of Nassau-st., now of 16 Berners-st., Oxford-st. July 27, at 2; Basinghall-st.

ILIFFE, JAMES, Commission Agent, now of Edmund-st., Birmingham, and lately of 53 Watling-st., Cheapside. July 27, at 10; Birmingham.

M'LEAN, ROBERT, & JAMES M'LEAN, Builders, Hulme, Manchester. July 24, at 12; Manchester.

MAY, JAMES, Linendraper, Goswell-st., Clerkenwell. July 24, at 12.30; Basinghall-st.

PACEY, GEORGE, Merchant, Stafford-st., Liverpool, and Reservoir-rd., Birmingham. July 27, at 11; Liverpool.

ROBINSON, JOHN, & CHARLES ROBINSON, Woollen Cloth Merchants, Leeds. July 24, at 11; Leeds. On application of C. Robinson.

TILBURY, WILLIAM, Brassworker, 81 Gt. Titchfield-st., Marylebone, and 14 Cleveland-mews, Fitzroy-sq. July 25, at 11; Basinghall-st.

WATKINS, JOHN, Shoemaker, Crickhowell, Brecon. Aug. 3, at 11; Bristol.

*To be* DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *June* 30, 1857.

ADAMS, WILLIAM, Miller, Huntingdon. June 23, 3rd class.

BIRNSTINGL, LOUIS (Louis Birnstingl & Co.), Merchant, 8 Broad-st.-bldgs. June 23, 2nd class.

DURRANT, JOHN, Tailor, 16 Wormwood-st. June 23, 2nd class, after a suspension of six months.

HICKMAN, WILLIAM SMITH, Picture Dealer, Sussex-chambers, 10 Duke-st., St. James's. June 23, 2nd class, having been suspended for twelve months from June 20, 1856.

PHILLIPS, WILLIAM, Currier, Norwich. June 23, 2nd class, after a suspension of four months.

TREVETHICK, WILLIAM, Timber Merchant, Lincoln. June 24, 3rd class.

FRIDAY, *July* 3, 1857.

BEALE, FREDERICK GEORGE, Bill Broker, Gloucester. June 30, 2nd class.

CLARKE, ELIZABETH, Potter, Newport, Monmouthshire. June 30, 2nd class.

EMMERSON, JOHN, East India Coffee-house, 225 High-st., Poplar, and the Greengate, Plaistow, Essex, Licensed Victualler. June 26, 1st class.

GUY, PHILEMON, Builder, 23 St. James's-rd., Holloway. June 25, 3rd class; to be suspended for four months from April 7.

HANSON, JOHN, & JAMES WALKER, Coachbuilders, Sheffield. June 27, 2nd class, to J. Hanson, and 3rd class to J. Walker.

HOLMES, JOHN, Builder. Branham, Yorkshire. June 26, 3rd class.

MORRISS, DAVID, Grocer, Wisbeach, Cambridgeshire. June 22, 2nd class.

PEARSON, LEVY, Wholesale Grocer, Rochdale, Lancashire. June 24, 3rd class.

SMITH, JOSEPH, Dealer in Iron, 28 and 29 Broad-st., Lambeth. June 27, 2nd class.

TAGG, JOHN JAMES, Innkeeper, Bear Hotel, Reading, Berks. June 22, 2nd class; to be suspended for three months from June 22.

WARD, BARTHOLOMEW, Stationer, 71 High-st., Southwark, and 37 St. James-place, New Cross. June 22, 2nd class.

## Professional Partnership Dissolved.

TUESDAY, *June* 30, 1857.

SMITH, JAMES NIMMO, GEORGE NEWTON SWINSON JONES, & JOHN JAMES BRITTON, Attorneys and Solicitors, Birmingham; as regards G. N. S. Jones. Debts due or owing to or from the copartnership will be received or paid by J. N. Smith and J. J. Britton. June 25.

FRIDAY, *July* 3, 1857.

BLACKMAN, WILLIAM, & AUGUSTUS GEORGE GUY, Attorneys and Solicitors, 1 Raymond-bldgs., Gray's-inn; the business will be carried on by A. G. Guy. July 1.

CROFT, RICHARD TOMPSETT, & HENRY EYCOTT WOOD, Attorneys and solicitors; by mutual consent. June 24.

SCRIVENS, WILLIAM, & WILLIAM BLACKMAN YOUNG, Attorneys and Solicitors, Hastings, Sussex. Dec. 31, 1845. All profits and debts have been since received and paid by W. B. Young solely.

## Assignments for Benefit of Creditors.

TUESDAY, *June* 30, 1857.

COX, WILLIAM, & LISSANT COX, Stonemasons, Nottingham. June 20. *Trustees*, G. Vallance, Builder, Mansfield, Nottinghamshire; W. S. Heywood, Agent, Snenton, Nottinghamshire. *Sol.* Morley, Nottingham.

NADEN, FREDERICK, Grocer, High-st., Birmingham. June 12. *Trustees.* J. G. Fleet, Wholesale Grocer, Fenchurch-st.; S. Tibbett, Agent, Handsworth, Staffordshire. *Sols.* Richardson & Sadler, 14 Old Jewry-chambers.

NORTH, WILLIAM, Miller, Cannington, Somerset. June 13. *Trustees*, J. L. Sealy, Banker, Bridgwater, Somerset; H. Leigh, Merchant, Combwitch, Cannington. *Sol.* Smith, Bridgwater.

TAPSTER, JOHN, Auctioneer, New Sleaford, Lincolnshire. June 6. *Trustee*, W. Fawcett, Printer, New Sleaford. *Sols.* William & Walter Holdich, New Sleaford.

FRIDAY, *July* 3, 1857.

BLACKWELL, ROBERT, Tailor, Penllwyn, Llanbadarnfawr, Cardiganshire. June 13. *Trustee*, D. Lewis, Gent., 114 Market-st., Manchester, *Sols.* Parry & Attwood, Aberystwith.

BREWIS, JOHN FENWICK, Brewer, Morpeth, Northumberland. June 24. *Trustees*, J. Allison, Maltster, Monkwearmouth, Durham; J. Armstrong, Maltster, Hexham, Northumberland; H. Brewis, Widow, Morpeth. *Sol.* Fleming, Newcastle-upon-Tyne.

DAVIS, DAVID LAZARUS (D. L. Davis & Co.), Tailor, Wolverhampton, Staffordshire. June 10. *Trustee*, R. Hocking, Woollen Warehouseman, London. *Sol.* Gammon, 9 Cloak-la., London.

PLAISTER, WILLIAM HORTON, Grocer, 111 Tottenham-ct.-rd. June 22. *Trustees*, R. Travers, Wholesale Grocer, St. Swithin's-la.; W. Bagshaw, Accountant, Coleman-st. *Sols.* Amory, Travers & Smith, 25 Throgmorton-st.

RICH, SOLOMON, Builder, Bedminster, Bristol. June 18. *Trustee*, W. Lonsdale, Agent, Bristol. *Sols.* W. Bevan & Girling, 3 Small-st., Bristol.

TRISTAM, HENRY, Broker, Liverpool, June 19. *Trustees*, R. Bancroft, Merchant, Liverpool; H. W. Banner, Accountant, Liverpool. *Sol.* Tyrer, 50 Everton-village, near Liverpool.

TURNBULL, JAMES, Farmer, Twisel Mill and Tiptoe, Northumberland. June 9. *Trustees*, J. Black, farmer, Ford West-field, Northumberland; R. Makins, farmer, Murton, Northumberland. *Sol.* Rowland, Berwick-upon-Tweed.

## Creditors under Estates in Chancery.

TUESDAY, *June* 30, 1857.

BEAUMONT, RICHARD HENRY (sometimes known as Richard Ricardo), (who died in Feb. 1857), Esq., Whitley Hall, Kirkheaton, Yorkshire, and Clarence Lodge, Roehampton, Surrey. Creditors to come in and prove their debts on or before July 16, at V. C. Stuart's Chambers.

BURY, JAMES (who died in July, 1825), Esq., St. Leonard's Farm, Nazing, Essex, and of the Stock Exchange. Creditors to come in and prove their debts on or before July 20, at V. C. Stuart's Chambers.

DIXON, ELIZABETH (who died in April, 1848), Spinster, Kendal, Westmoreland. Creditors to come in and prove their debts or claims on or before July 17, at Master of the Rolls' Chambers.

PULLEY, WILLIAM (who died in Nov. 1851), Gent., Providence-pl, Lambeth. Creditors to come in and prove their claims on or before July 25, at Master of the Rolls' Chambers.

PYNN, Sir HENRY (who died on April 25, 1855), Knight, and a Major-General in the Portuguese Service, 5 Norris-st., Haymarket. Creditors to come in and prove their debts on or before July 27, at Master of the Rolls Chambers.

FRIDAY, *July* 3, 1857.

DOUGHTY, ELIZABETH (who died in November, 1856), Widow, 2 Southampton-ct., Russell-sq., Middlesex. Creditors to come in and prove their debts on or before July 27, at Master of the Rolls' Chambers.

EKINS, WILLIAM (who died June 19, 1853), Esq., Brixworth, Notts. Creditors to come in and prove their debts or claims on or before July 24, at V. C. Wood's Chambers.

HERON, JANE (who died in March, 1857), Butcher, 20 Lower Shadwell, Middlesex. Creditors to come in and prove their debts on or before July 25, at Master of the Rolls' Chambers.

LAFARGUE, AUGUSTUS EDWARD, formerly of Kilworth, Leicester, but now residing in the Leicestershire and Rutland Lunatic Asylum. Creditors to come in and prove their debts before the Masters in Lunacy, 45 Lincoln's-inn-fields.

SYMPSON, CATHERINE (who died on April 3, 1857), Widow, Minster-yard, Lincoln. Creditors and incumbrancers to come in and prove their debts or claims on or before July 27, at V. C. Wood's Chambers.

THOMAS, DANIEL (who died on April 15, 1856), Architect, Cardiff, Glamorganshire. Creditors to come in and prove their debts on or before July 24, at Master of the Rolls' Chambers.

WARNE, JOHN (who died on Oct. 14, 1837), Gent., Clifton, Gloucestershire. Creditors to come in and prove their debts on or before July 27, at Master of the Rolls' Chambers.

WATTS, ELIZABETH (who died in May, 1855), Widow, Warwick-sq., Pimlico, Middlesex. Creditors and incumbrancers to come in and prove their debts and claims on or before July 31, at V. C. Stuart's Chambers.

YERBURY, JOHN (who died on June 21, 1843), Esq., formerly of Bristol, and late of Shirehampton, Gloucestershire. Creditors to come in and prove their debts on or before Nov. 3, at Master of the Rolls' Chambers.

## Winding-up of Joint Stock Companies.

TUESDAY, *June* 30, 1857.

FAT WORKS AND WHEAL VIRTUE MINING COMPANY.—A petition for the dissolution and winding up of this Company was, on June 29, presented by John Chapple, and will be heard before V. C. Wood on July 11.—Sol. for Petitioner, Franc Farrer, 19 Gt. Carter-la.

FRIDAY, *July* 3, 1857.

COMMERCIAL AND GENERAL LIFE ASSURANCE ANNUITY FAMILY ENDOWMENT AND LOAN ASSOCIATION.—The Master of the Rolls purposes, on July 21, at 12, at his Chambers, to make a call for 10s per share.

KENT ZOOLOGICAL & BOTANICAL GARDENS COMPANY, commonly called THE ROSHERVILLE GARDENS CO.—A petition for the dissolution and winding up of this Company was, on June 30, presented by William Mayhew, 29 Newington-pl., Kennington, Gent., which will be heard before V. C. Wood on Saturday, July 11.—Sol. for Petitioner, Henry Peale Bird, 58 Lincoln's-inn-fields.

LANCASHIRE DEBT GUARANTEE CO.—V. C. Stuart has peremptorily ordered a call of £5 per share; and that each contributory, on July 6, at 12, pay to W. Turquand, the Official Manager, 13 Old Jewry-chambers, the balance, if any, which will be due from him, after debiting his account in the Company's books with such call.

SAINT DENNIS CONSOLS CHINA CLAY WORKS AND TIN MINE.—V. C. Wood purposes, on July 20, at 1, at his chambers, to make a call for 10s. per share.

TREGONEBRIS & CARNEBORNE FATWORK TIN MINING COMPANY.—Master Sir George Rose peremptorily orders a further call of £3 per share on all the contributories of this company; and that each contributory, on July 19, at 12, pay to W. Turquand, the official manager, 13 Old Jewry Chambers, the balance (if any) which will be due from him after debiting his account in the company's books with such call.

## Scotch Sequestrations.

TUESDAY, *June* 30, 1857.

M'MENEMY, ROBERT, Wine and Spirit Merchant, Glasgow, residing in Sister-st., Calton. July 7, at 1, Faculty-hall, St. George's-pl., Glasgow. *Seq.* June 25.

ORR, WILLIAM, HUGH MELVILLE, & WILLIAM MELVILLE, Printers, Caldervale Printworks, Clarkston, near Airdrie. July 7, at 12, Faculty-hall, St. George's-pl., Glasgow. *Seq.* June 25.

SALMON, HENRY, Bank and Insurance Agent, Falkirk, deceased. July 4, at 2, Red Lion Hotel, Falkirk. *Seq.* June 26.

FRIDAY, *July* 3, 1857.

DONALD, MATHEW, Wright and Builder, Bridgeton, Glasgow. July 8, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* June 30.

INNES, JOHN, Miller, Huntley. July 10, at 12; Royal Hotel, Aberdeen. *Seq.* June 30.

MOIR, ALEXANDER, House Factor and Eating House-keeper, Glasgow. July 7, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* June. 29.

MUSCHAMP, JOHN BELL, General Agent, 28 Greenside-st., Edinburgh; and Coal Agent, Anchor-alley, Thames-st., London; and Agent for the Tyne Mill Paper Company. July 7, at 12; Cranston's Waverley Hotel, Princes-st., Edinburgh. *Seq.* June 27.

PATRICK, DAVID, General Commission Agent, 11 Miller-st., Glasgow. July 13, at 1; Globe Hotel, George-sq., Glasgow. *Seq.* July 1.

## LAW STUDENTS' DEBATING SOCIETY, at the LAW INSTITUTION, CHANCERY LANE.

QUESTIONS FOR DISCUSSION.

*For Tuesday, July 7th*, 1857.—President, Mr. HOWLETT.

THE ANNUAL MEETING.

The Report of the Committee will be read The Treasurer will lay before the Meeting a statement of the payments and receipts of the Society during the past year, and a list of the unpaid fines and subscriptions. Mr. SMITH will move "That the words '8th of July' be substituted for the words '10th of August' in the 5th rule."

The Officers of the Society for the ensuing year will be elected. Members are requested to attend punctually at 7 o'clock.

*For Tuesday, July 14th*, 1857.—President, Mr. ELGOOD.

LX. Should the Government Divorce Bill be allowed to pass into Law?

Mr. G. BRUCE is appointed to open the Debate, and Messrs. FOOTNER, KYNASTON, and LEADBITTER to speak on the question.

*For Tuesday, July 21st*, 1857.—President, Mr. SMITH.

197. A testator, by will, dated in 1828, devised an estate to his son in fee on attaining twenty-four, subject to the payment of £1,200 twelve months after attaining that age, equally between his (the son's) two sisters; or, in case of the death of one of them, the whole to the survivor. Testator died in 1837. One daughter died in 1848, leaving a husband and children. The other daughter died in 1849, intestate and unmarried. The son attained twenty-one in 1850. Is he liable to pay the £1,200 to the representatives of the surviving daughter? Brown *v.* Lord Kenyon, 3 Madd. 410; Belk *v.* Slack, 1 Keen, 238.

Affirmative—Mr. WALTERS and Mr. HILL,
Negative—Mr. TYABJEE and Mr. COE.

*For Tuesday, July 28th*, 1857.—President, Mr. MARCHANT.

198. Ought the case of Stanfield *v.* Hobson, reported in 16 Beavan, p. 236, and, on Appeal, in 3 De Gex, Mac. & Gor. p. 620, to be reserved?

Affirmative—Mr. LAWRANCE and Mr. PRICHARD.
Negative—Mr. CHEATLE and Mr. CRUMP.

*For Tuesday, August 4th*, 1857.—President, Mr. WALTERS.

LXI. Should Grand Juries be abolished?

Mr. CHURCH is appointed to open the Debate, and Messrs. PHILLIPS, G. A. BRUCE, and GREEN to speak on the question.

The Society will adjourn for the Long Vacation until Tuesday the 27th October.

*** Gentlemen requiring Books from the Library are requested to attend at five minutes before Seven o'clock on the evening of Debate, to select those desired.

Copies of the rules, and all information, can be obtained of the Secretary, with whom Gentlemen desirous of becoming members are requested to communicate.

W. MELMOTH WALTERS, Secretary,
9, New-square, Lincoln's-inn.

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## EQUITY AND LAW LIFE ASSURANCE SOCIETY for Assuring the Lives of Persons in every Profession and Station, wherever Resident.

Offices:—No. 26, Lincoln's-inn-fields, London.

Capital, One Million, in 10,000 Shares of £100 each.

*Trustees.*

The Right Hon. The LORD HIGH CHANCELLOR.
The Right Hon. LORD MONTEAGLE.
The Right Hon. The LORD CHIEF BARON.
The Hon. MR. JUSTICE COLERIDGE.
The Hon. MR. JUSTICE ERLE.
NASSAU WILLIAM SENIOR, Esq.
CHAS. PURTON COOPER, Esq., Q.C., LL.D., F.R.S.
GEO. CAPRON, Esq.

*Directors.*

Chairman—NASSAU W. SENIOR, Esq.
Deputy-Chairman—GEORGE LAKE RUSSELL, Esq.

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| J. E. Armstrong, Esq. | T. Glover Kensit, Esq. |
| R. J. P. Broughton, Esq. | John H. Koe, Esq., Q.C. |
| John M. Clabon, Esq. | John Lucas, Esq. |
| Mr. Serjeant Clarke. | Charles Hy. Moore, Esq. |
| Jno. Ellis Clowes, Esq. | Edmund F. Moore, Esq. |
| Geo. A. Crawley, Esq. | Geo. W. K. Potter, Esq. |
| Charles J. Dimond, Esq. | W. B. S. Rackham, Esq. |
| Sir F. Dwarris, F.R.S. | George Robins, Esq. |
| Jno. Wm. Hawkins, Esq. | A. H. Shadwell, Esq. |
| William Ed. Hilliard, Esq. | Richd. Smith, jun., Esq. |
| N. Hollingsworth, Esq. | E. Wilbraham, Esq., Q.C. |

*Auditors.*

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|---|---|
| John Boodle, Esq. | Robert J. Phillimore, D.C.L., M.P. |
| Alexander Edgell, Esq. | Eric Rudd, Esq. |

*Solicitors.*

Messrs. Rooper, Birch, Ingram, and Whateley, Lincoln's-inn-fields.

*Actuary and Secretary.*—Arthur H. Bailey, Esq.

Examples of the Bonus upon Policies declared to the 31st Dec. 1854:—

| Date of Policy. | 18th March, 1845. | 24th April, 1845. | 7th Nov. 1855. |
|---|---|---|---|
| | £ s. d. | £ s. d. | £ s. d. |
| Age at Entry. | 30. | 42. | 51. |
| Annual Premium | 25 7 6 | 35 16 8 | 49 8 4 |
| Sum Assured | 1000 0 0 | 1000 0 0 | 1000 0 0 |
| Bonus added | 157 10 0 | 184 0 0 | 211 10 0 |

Copies of the last Report, Prospectuses, and every information, may be had upon written or personal application to the Office.

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ESTABLISHED 1838.

## VICTORIA LIFE OFFICE, 18, KING WILLIAM STREET, MANSION HOUSE, LONDON.

The business of the Company embraces every description of risk (Home or Foreign) connected with Life Assurance.

Loans continue to be made to Assurers on undoubted Personal Security also on Freeholds, Leaseholds, and Life Interests, &c.

WILLIAM RATRAY, Actuary.

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KENWICK ESTATE, NEAR ELLESMERE, SALOP.

Land Tax redeemed and free of Great Tithes, also Tithe Commutation, Rent Charges, &c.

## FOR SALE by AUCTION, by HILL & SON, at the Bridgewater Arms Hotel, Ellesmere, on Tuesday, the 14th of July, 1857, at Four o'clock in the Afternoon, in one lot or otherwise, as shall be agreed upon at the time of sale, and subject to conditions to be then produced, all that valuable and important FREEHOLD ESTATE, situate at Kenwick, in the parish of Ellesmere, in the county of Salop, and comprising 664a. 1r. 0p., or thereabouts, of superior arable, meadow, and pasture land. The estate may be conveniently described as follows:—

| *Premises.* | *Tenants.* | *Quantities.* A. | R. | P. |
|---|---|---|---|---|
| Upper Kenwick Farm | John Stokes | 239 | 3 | 3 |
| Lower Kenwick Farm | Thos. Firmstone | 197 | 1 | 9 |
| Spring's Farm | Edward Stokes | 126 | 2 | 7 |
| Two small tenements | John Kynaston & Thomas Edwards. | 2 | 1 | 34 |
| Small tenement | Thomas Manning | 3 | 0 | 10 |
| Lands in hand | | 95 | 0 | 17 |
| Total Acreage | | 664 | 1 | 0 |

The situation of the Kenwick Estate is most advantageous. The distance from the market town of Ellesmere is three miles; from Shrewsbury, thirteen miles; and from the Baschurch Station, on the Shrewsbury and Chester Railway, four miles. The turnpike road from Shrewsbury to Ellesmere and Chester also intersects the estate. The farm houses and farm buildings are commodious and convenient, and there is a Malthouse attached to the Upper Kenwick Farm. The land generally is of good quality, and nearly the whole of the arable land is adapted to the four-course system of husbandry. The farms are held at low rents, and are well cultivated. A considerable portion of the land has lately been thoroughly under drained, and drainage works are now in progress on the estates, an advance having been obtained under the drainage acts.

The views from different parts of the estate are very picturesque and extensive, and there are several sites well adapted for the erection of a mansion. The estate lies well together, and, except at one point, is in a ring fence. Game is abundant, and there are extensive preserves on the adjoining estates, which belong chiefly to the Earl Brownlow, and are called the Bridgewater Estates. The Croesmere Lake, which is of considerable extent, skirts the estate offered for sale, and forms in part the southern boundary. This Lake, when viewed from the more elevated points of the estate, is a most beautiful and attractive feature in the landscape.

The estate is sold free of great tithes. The Vicarial tithe rent charges on the whole of the estate amount to £10 yearly or thereabouts. The parochial burdens are low. They are as follows:—Church-rates, 1d. to 1½d.; Poors-rate, 1s. to 1s. 4d., and Highway-rate, 1½d. in the pound.

The estate is subject to a chief rent of 6s. per annum, payable to the trustees of the Earl Brownlow.

If desired a portion of the purchase money may remain secured on mortgage of the estate.

TITHE-RENT CHARGES.

Also, will be offered for Sale, by Auction, certain Rent Charges in lieu of Tithes, amounting to £25 per annum, as fixed by the tithe apportionment of the parish of Ellesmere, and issuing out of certain lands in that parish, belonging to the said Earl Brownlow and others.

The different tenants will show the premises, and further information, with particulars and plans, may be had from the Auctioneers; from Mr. J. H. Edwards, solicitor, Shrewsbury; from Mr. Chandler, solicitor, Shrewsbury; and at the offices of Mr. Palin, solicitor, Shrewsbury.

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Buckinghamshire.—Sale of further part of the Buckingham and Chandos Estates, including a portion of the Domain of Stowe.

## MESSRS. HARRISON and SON beg to announce that they will SELL BY AUCTION, at the White Hart Inn, Buckingham, on Wednesday, the 22nd of July, 1857, at 12 o'clock at noon, very valuable FREEHOLD, COPYHOLD, and LEASEHOLD ESTATES, mostly tithe-free and land-tax redeemed, all in the county of Buckingham, and producing a rental of nearly £2,500 per annum. The estates are admirably suited for investment or occupation, and will be sold in 17 lots, comprising the following particulars:—Lot. 1. Moreton Lodge, and several Cottages and Gardens, and about 56 acres of Land, in Maids Moreton. Lot 2. A Farm-house, several Cottages, and about 103 acres of Land, also in Maids Moreton. Lot 3. The Lot Meadows, near the town of Buckingham, containing 20a. 3r. 30p.. Lot 4. Two Dwelling-houses in the Market Hill, Buckingham, and 1a. 3r. 26p. of Land, in the occupation of Mr. D. P. King and Mrs. Bartlett. Lot 5. Part of Boycott Farm, in the parishes of Stowe and Water Stratford, consisting of a Farm-house and Buildings, a Cottage, and about 152 acres of Land. Lot 6. An Estate, consisting of several Farms, containing about 547 acres of land, situate in the parishes of Stowe and Water Stratford. Lots 7 to 14. Several Dwelling-houses, Shops, and Gardens, in Church-street, Castle-street, and West-street, in Buckingham. Lot 15. An Estate, situate at Preston and Tingewick, consisting of a House and about 160 acres of Land. Lot 16. A Farm, called Ford's Farm, in the parish of Waddesden, consisting of a House and about 70 acres of Land. And Lot 17. Three Closes of Land, in Brill, containing 11a. 3r. 29p. The estates are approached on all sides by good roads, and lie in the neighbourhood of the town of Buckingham, or within an easy distance of the towns of Aylesbury, Bicester, and Brackley, and are within two hours' ride by railway from London, and the farms are in the occupation of respectable tenants at very moderate rents. The lots near Buckingham will be shown by Mr. Thomas Beards, the steward of the estates, who resides at Stowe, near Buckingham.

Full particulars, and conditions of sale, with plans, may be obtained at the offices of Messrs. Currie, Woodgate, and Williams, 32 Lincoln's-inn-fields, London, W.C.; of Henry Small, Esq., Solicitor, Buckingham; of the Auctioneers, Buckingham; and of Mr. Thomas Beards, the Steward, at Stowe.